

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 229
PROPOSED COMMITTEE SUBSTITUTE S229-PCS55292-RI-19

Short Title: Transfer DENR Soil & Water to DACS.

(Public)

Sponsors:

Referred to:

March 8, 2011

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) The Division of Soil and Water Conservation is transferred from the Department of Environment and Natural Resources to the Department of Agriculture and Consumer Services with all the elements of a Type I transfer, as defined by G.S. 143A-6.

SECTION 1.(b) All functions, powers, duties, and obligations previously vested in the State Soil and Water Conservation Commission are transferred to and vested in the Department of Agriculture and Consumer Services by a Type II transfer, as defined in G.S. 143A-6.

SECTION 2.(a) G.S. 143B-279.3(a) reads as rewritten:

"(a) All functions, powers, duties, and obligations previously vested in the following subunits of the following departments are transferred to and vested in the Department of Environment and Natural Resources by a Type I transfer, as defined in G.S. 143A-6:

...

(10) ~~Soil and Water Conservation Division, Department of Natural Resources and Community Development.~~

...."

SECTION 2.(b) G.S. 143B-279.3(b) reads as rewritten:

"(b) All functions, powers, duties, and obligations previously vested in the following commissions, boards, councils, and committees of the following departments are transferred to and vested in the Department of Environment and Natural Resources by a Type II transfer, as defined in G.S. 143A-6:

...

(21) ~~State Soil and Water Conservation Commission, Department of Natural Resources and Community Development.~~

...."

SECTION 3. Part 7 of Article 7 of Chapter 143B of the General Statutes is recodified as Article 71 of Chapter 106 of the General Statutes, and accordingly G.S. 143B-294 through G.S. 143B-297.1 are recodified as G.S. 106-840 through G.S. 106-844.



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1 **SECTION 4.** G.S. 106-840, as recodified by Section 3 of this act, reads as
2 rewritten:

3 **"§ 106-840. Soil and Water Conservation Commission – creation; powers and duties;**
4 **compliance inspections.**

5 (a) There is hereby created the Soil and Water Conservation Commission of the
6 Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services with the
7 power and duty to adopt rules to be followed in the development and implementation of a soil
8 and water conservation program.

9 (1) The Soil and Water Conservation Commission has all of the following
10 powers and duties:

11 a. To approve petitions for soil conservation districts.

12 b. To approve application for watershed plans.

13 c. Such other duties as specified in Chapter 139.

14 d. To conduct any inspections in accordance with subsection (b) of this
15 section.

16 (2) The Commission shall adopt rules consistent with the provisions of this
17 Chapter. All rules not inconsistent with the provisions of this Chapter
18 heretofore adopted by the Soil and Water Conservation Committee shall
19 remain in full force and effect unless and until repealed or superseded by
20 action of the Soil and Water Conservation Commission. All rules adopted by
21 the Commission shall be enforced by the Department of ~~Environment and~~
22 ~~Natural Resources~~ Agriculture and Consumer Services.

23 (b) An employee or agent of the Soil and Water Conservation Commission or the
24 Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services may
25 enter property, with the consent of the owner or person having control over property, at
26 reasonable times for the purposes of investigating compliance with Commission or Department
27 programs when the investigation is reasonably necessary to carry out the duties of the
28 Commission. If the Commission or Department is unable to obtain the consent of the owner of
29 the property, the Commission or Department may obtain an administrative search warrant
30 pursuant to G.S. 15-27.2.

31 (c) Any person who refuses entry or access to property by an employee or agent of the
32 Commission or the Department or who willfully resists, delays, or obstructs an employee or
33 agent of the Commission or the Department while the employee or agent is in the process of
34 carrying out official duties after the employee or agent has obtained the consent of the owner or
35 person having control of the property or, if consent is not obtained, after the employee or agent
36 has obtained an administrative search warrant, shall be guilty of a Class 1 misdemeanor."

37 **SECTION 5.** G.S. 106-841, as recodified by Section 3 of this act, reads as
38 rewritten:

39 "(a) The Soil and Water Conservation Commission of the Department of ~~Environment~~
40 ~~and Natural Resources~~ Agriculture and Consumer Services shall be composed of seven
41 members appointed by the Governor. The Commission shall be composed of the following
42 members:

43 ...

44 (g) All clerical and other services required by the Commission shall be supplied by the
45 ~~Secretary of Environment and Natural Resources~~ Department of Agriculture and Consumer
46 Services."

47 **SECTION 6.** G.S. 139-3(4) reads as rewritten:

48 "(4) "Commission" or "Soil and Water Conservation Commission" means the
49 Soil and Water Conservation Commission created by
50 G.S. ~~143B-294~~ 106-840."

51 **SECTION 7.** G.S. 139-4(d) reads as rewritten:

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

3 ...

4 (9) To create, implement, and supervise the Agriculture Cost Share Program for
5 Nonpoint Source Pollution Control created pursuant to ~~Part 9 of Article 21~~
6 ~~of Chapter 143~~ Article 72 of Chapter 106 of the General Statutes and the
7 Community Conservation Assistance Program created pursuant to Part 11 of
8 Article 21 of Chapter 143 of the General Statutes.

9 (10) To review and approve or disapprove the application of a district supervisor
10 for a grant under the Agriculture Cost Share Program for Nonpoint Source
11 Pollution Control or the Community Conservation Assistance Program as
12 provided by G.S. 139-8(b).

13 (11) To develop and implement a program for the approval of water quality and
14 animal waste management systems technical specialists.

15 (12) To develop and approve best management practices for the Agriculture Cost
16 Share Program for Nonpoint Source Pollution Control and for use in the
17 water quality protection programs of the Department of Environment and
18 Natural Resources and to adopt rules that establish criteria governing
19 approval of these best management practices."

20 **SECTION 8.** G.S. 139-4(e) reads as rewritten:

21 "(e) A member of the Commission may apply for and receive a grant under the
22 Agriculture Cost Share Program for Nonpoint Source Pollution Control and the Community
23 Conservation Assistance Program if:

24 (1) The member does not vote on the application or attempt to influence the
25 outcome of any action on the application; and

26 (2) The application is approved by the ~~Secretary of Environment and Natural~~
27 ~~Resources~~ Commissioner of Agriculture."

28 **SECTION 9.** G.S. 139-5(d) reads as rewritten:

29 "(d) The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer
30 Services shall pay all expenses for the issuance of such notices and the conduct of such
31 hearings and referenda, and shall supervise the conduct of such hearings and referenda. It shall
32 issue appropriate regulations governing the conduct of such hearings and referenda, and
33 providing for the registration prior to the date of the referendum of all eligible voters, or
34 prescribing some other appropriate procedure for the determination of those eligible as voters
35 in such referendum. No informality in the conduct of such referendum or in any matters
36 relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have
37 been given substantially as herein provided and said referendum shall have been fairly
38 conducted."

39 **SECTION 10.** G.S. 139-5(e) reads as rewritten:

40 "(e) The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer
41 Services shall publish the results of such referendum and shall thereafter consider and
42 determine whether the operation of the district within the defined boundaries is administratively
43 practicable and feasible. If the Commission shall determine that the operation of such district is
44 not administratively practicable and feasible, it shall record such determination and deny the
45 petition. If the Commission shall determine that the operation of such district is
46 administratively practicable and feasible, it shall record such in the manner hereinafter
47 provided. In making such determination the Commission shall give due regard and weight to
48 the attitudes of the occupiers of lands lying within the defined boundaries, the number of land
49 occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes
50 cast in such referendum in favor of the creation of the district to the total number of votes cast,
51 the approximate wealth and income of the land occupiers of the proposed district, the probable

1 expense of carrying on erosion control operations within such district, and such other economic
2 and social factors as may be relevant to such determination, having due regard to the legislative
3 determination set forth in G.S. 139-2: Provided, however, that the Commission shall not have
4 authority to determine that the operations of the proposed district within the defined boundaries
5 is administratively practicable and feasible unless at least a majority of the votes cast in the
6 referendum upon the proposition of creation of the district shall have been cast in favor of the
7 creation of such district."

8 **SECTION 11.** G.S. 139-7 reads as rewritten:

9 **"§ 139-7. District board of supervisors – appointive members; organization of board;**
10 **certain powers and duties.**

11 The governing body of a soil and water conservation district shall consist of the three
12 elective supervisors from the county or counties in the district, together with the appointive
13 members appointed by the Soil and Water Conservation Commission pursuant to this section,
14 and shall be known as the district board of supervisors. When a district is composed of less than
15 four counties, the board of supervisors of each county shall on or before October 31, 1978, and
16 on or before October 31 as the terms of the appointive supervisors expire, recommend in
17 writing two persons from the district to the Commission to be appointed to serve with the
18 elective supervisors. If the names are not submitted to the Commission as required, the office
19 shall be deemed vacant on the date the term is set to expire and the Commission shall appoint
20 two persons of the district to the district board of supervisors to serve with the elected
21 supervisors. The Commission shall make its appointments prior to or at the November meeting
22 of the Commission. Appointive supervisors shall take office on the first Monday in December
23 following their appointment. Such appointive supervisors shall serve for a term of four years,
24 and thereafter, as their terms expire, their successors shall serve for a term of four years. The
25 terms of office of all appointive supervisors who have heretofore been lawfully appointed for
26 terms the final year of which presently extends beyond the first Monday in December are
27 hereby terminated on the first Monday in December of the final year of appointment. Vacancies
28 for any reason in the appointive supervisors shall be filled for the unexpired term by the
29 appointment of a person by the Commission from the district in which the vacancy occurs.
30 Vacancies for any reason in the elected supervisors shall be filled for the unexpired term by
31 appointment by the Commission of a person from the county in the district in which the
32 vacancy occurs.

33 In those districts composed of four or more counties, the Commission may, but is not
34 required to, appoint two persons from the district without recommendation from the board of
35 supervisors, to serve as district supervisors along with the elected members of the board of
36 supervisors. Such appointments shall be made at the same time other appointments are made
37 under this section, and the persons appointed shall serve for a term of four years.

38 The supervisors shall designate a chairman and may, from time to time, change such
39 designation. A simple majority of the board shall constitute a quorum for the purpose of
40 transacting the business of the board, and approval by a majority of those present shall be
41 adequate for a determination of any matter before the board, provided at least a quorum is
42 present. Supervisors of soil and water conservation districts shall be compensated for their
43 services at the per diem rate and allowed travel, subsistence and other expenses, as provided for
44 State boards, commissions and committees generally, under the provisions of G.S. 138-5;
45 provided, that when per diem compensation and travel, subsistence, or other expense is claimed
46 by any supervisor for services performed outside the district for which such supervisor
47 ordinarily may be appointed or elected to serve, the same may not be paid unless prior written
48 approval is obtained from the Department of ~~Environment and Natural Resources~~. Agriculture
49 and Consumer Services.

50 The supervisors may employ a secretary, technical experts, whose qualifications shall be
51 approved by the Department, and such other employees as they may require, and shall

1 determine their qualifications, duties and compensation. The supervisors may call upon the
2 Attorney General of the State for such legal services as they may require. The supervisors may
3 delegate to their chairman, to one or more supervisors, or to one or more agents, or employees
4 such powers and duties as they may deem proper. The supervisors shall furnish to the Soil and
5 Water Conservation Commission, upon request, copies of such ordinances, rules, regulations,
6 orders, contracts, forms, and other documents as they shall adopt or employ, and such other
7 information concerning their activities as it may require in the performance of its duties under
8 this Chapter.

9 The supervisors shall provide for the execution of surety bonds for all employees and
10 officers who shall be entrusted with funds or property; shall provide for the keeping of a full
11 and accurate record of all proceedings and of all resolutions, regulations, and orders issued or
12 adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. In
13 any given year, if the supervisors provide for an internal audit, and the supervisor serving as
14 chairman certifies, under oath, that this internal audit is a true and accurate reflection of the
15 accounts of receipts and disbursements, then the supervisors shall not be required,
16 notwithstanding the provisions of G.S. 159-34, to provide for an audit of the accounts of
17 receipts and disbursements by a certified public accountant or by an accountant certified by the
18 Local Government Commission. Any supervisor may be removed by the Soil and Water
19 Conservation Commission upon notice and hearing, for neglect of duty, incompetence or
20 malfeasance in office, but for no other reason.

21 The supervisors may invite the legislative body of any municipality or county located near
22 the territory comprised within the district to designate a representative to advise and consult
23 with the supervisors of the district on all questions of program and policy which may affect the
24 property, water supply, or other interests of such municipality or county.

25 All district supervisors whose terms of office expire prior to the first Monday in January,
26 1948, shall hold over and remain in office until supervisors are elected or appointed and qualify
27 as provided in this Chapter, as amended. The terms of office of all district supervisors, who
28 have heretofore been elected or appointed for terms extending beyond the first Monday in
29 January, 1948, are hereby terminated on the first Monday in January, 1948."

30 **SECTION 12.** G.S. 139-8(a)(13) reads as rewritten:

31 "(13) To assist the Commission in the implementation and supervision of the
32 Agriculture Cost Share Program for Nonpoint Source Pollution Control
33 created pursuant to ~~G.S. 143-215.74~~G.S. 106-850 and to assist in the
34 implementation and supervision of any other program intended to protect
35 water quality or quantity administered by the Department of ~~Environment~~
36 ~~and Natural Resources~~Agriculture and Consumer Services by providing
37 technical assistance, allocating available grant monies, and providing any
38 other assistance that may ~~by~~be required or authorized by any provision of
39 federal or State law."

40 **SECTION 13.** G.S. 139-13 reads as rewritten:

41 "**§ 139-13. Discontinuance of districts.**

42 At any time after five years after the organization of a district under the provisions of this
43 Chapter, any 25 occupiers of land lying within the boundaries of such districts may file a
44 petition with the Soil and Water Conservation Commission praying that the operations of the
45 district be terminated and the existence of the district discontinued. The Commission may
46 conduct such public meetings and public hearings upon such petition as may be necessary to
47 assist it in the consideration thereof. Within 60 days after such a petition has been received by
48 the Commission it shall give due notice of the holding of a referendum, and shall supervise
49 such referendum, and issue appropriate regulations governing the conduct thereof, the question
50 to be submitted by ballots upon which the words "For terminating the existence of the _____
51 (name of the soil and water conservation district to be here inserted)" and "Against terminating

1 the existence of the _____ (name of the soil and water conservation district to be here
2 inserted)" shall appear with a square before each proposition and a direction to insert an X mark
3 in the square before one or the other of said propositions as the voter may favor or oppose
4 discontinuance of such district. All occupiers of lands lying within the boundaries of the district
5 shall be eligible to vote in such referendum. Only such land occupiers shall be eligible to vote.
6 No informalities in the conduct of such referendum or in any matters relating thereto shall
7 invalidate said referendum or the result thereof if notice thereof shall have been given
8 substantially as herein provided and said referendum shall have been fairly conducted.

9 The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services
10 shall publish the result of such referendum and shall thereafter consider and determine whether
11 the continued operation of the district within the defined boundaries is administratively
12 practicable and feasible. If the Commission shall determine that the continued operation of such
13 district is administratively practicable and feasible, it shall record such determination and deny
14 the petition. If the Commission shall determine that the continued operation of such district is
15 not administratively practicable and feasible, it shall record such determination and shall certify
16 such determination to the supervisors of the district. In making such determination the
17 Commission shall give due regard and weight to the attitudes of the occupiers of lands lying
18 within the district, the number of land occupiers eligible to vote in such referendum who shall
19 have voted, the proportion of the votes cast in such referendum in favor of the discontinuance
20 of the district to the total number of votes cast, the approximate wealth and income of the land
21 occupiers of the district, the probable expense of carrying on erosion control operations within
22 such district, and such other economic and social factors as may be relevant to such
23 determination, having due regard to the legislative findings set forth in G.S. 139-2: Provided,
24 however, that the Commission shall not have authority to determine that the continued
25 operation of the district is administratively practicable and feasible unless at least a majority of
26 the votes cast in the referendum shall have been cast in favor of the continuance of such
27 district.

28 Upon receipt from the Soil and Water Conservation Commission of a certification that the
29 Commission has determined that the continued operation of the district is not administratively
30 practicable and feasible, pursuant to the provisions of this section, the supervisors shall
31 forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all
32 property belonging to the district at public auction and shall pay over the proceeds of such sale
33 to be covered into the State treasury. The supervisors shall thereupon file an application, duly
34 verified, with the Secretary of State for the discontinuance of such district, and shall transmit
35 with such application the certificates of the Soil and Water Conservation Commission setting
36 forth the determination of the Commission that the continued operation of such district is not
37 administratively practicable and feasible. The application shall recite that the property of the
38 district has been disposed of and the proceeds paid over as in this section provided, and shall
39 set forth a full accounting of such properties and proceeds of the sale. The Secretary of State
40 shall issue to the supervisors a certificate of dissolution and shall record such certificate in an
41 appropriate book of record in his office.

42 Upon issuance of a certificate of dissolution under the provisions of this section, all
43 ordinances and regulations theretofore adopted and in force within such districts shall be of no
44 further force and effect. All contracts theretofore entered into, to which the district or
45 supervisors are parties, shall remain in force and effect for the period provided in such
46 contracts. The Soil and Water Conservation Commission shall be substituted for the district or
47 supervisors as party to such contracts. The Commission shall be entitled to all benefits and
48 subject to all liabilities under such contracts and shall have the same right and liability to
49 perform, to require performance, to sue and be sued thereon, and to modify or terminate such
50 contracts by mutual consent or otherwise as the supervisors of the district would have had.
51 Such dissolution shall not affect the lien of any judgment entered under the provisions of

1 G.S. 139-11, nor the pendency of any action instituted under the provisions of such section, and
2 the Commission shall succeed to all the rights and obligations of the district or supervisors as to
3 such liens and actions.

4 The Soil and Water Conservation Commission shall not entertain petitions for the
5 discontinuance of any district nor conduct referenda upon such petitions, nor make
6 determinations pursuant to such petitions, in accordance with the provisions of this Chapter,
7 more often than once in five years."

8 **SECTION 14.** G.S. 143-215.10A reads as rewritten:

9 **"§ 143-215.10A. Legislative findings and intent.**

10 The General Assembly finds that animal operations provide significant economic and other
11 benefits to this State. The growth of animal operations in recent years has increased the
12 importance of good animal waste management practices to protect water quality. It is critical
13 that the State balance growth with prudent environmental safeguards. It is the intention of the
14 State to promote a cooperative and coordinated approach to animal waste management among
15 the agencies of the State with a primary emphasis on technical assistance to farmers. To this
16 end, the General Assembly intends to establish a permitting program for animal waste
17 management systems that will protect water quality and promote innovative systems and
18 practices while minimizing the regulatory burden. Technical assistance, through operations
19 reviews, will be provided by the Division of Soil and Water ~~Conservation~~Conservation of the
20 Department of Agriculture and Consumer Services. Permitting, inspection, and enforcement
21 will be vested in the Division of Water Quality."

22 **SECTION 15.** G.S. 143-215.10C(e)(6) reads as rewritten:

23 "(6) Provisions regarding periodic testing of waste products used as nutrient
24 sources as close to the time of application as practical and at least within 60
25 days of the date of application and periodic testing, at least annually, of soils
26 at crop sites where the waste products are applied. Nitrogen shall be a
27 rate-determining element. Phosphorus shall be evaluated according to the
28 nutrient management standard approved by the Soil and Water Conservation
29 Commission of the Department of Agriculture and Consumer Services and
30 the Natural Resources Conservation Service of the United States Department
31 of Agriculture for facilities that are required to be permitted under 40 Code
32 of Federal Regulations § 122, as amended at 73 Federal Register 70418
33 (November 20, 2008). If the evaluation demonstrates the need to limit the
34 application of phosphorus in order to comply with the nutrient management
35 standard, then phosphorus shall be a rate-determining element. Zinc and
36 copper levels in the soils shall be monitored, and alternative crop sites shall
37 be used when these metals approach excess levels."

38 **SECTION 16.** G.S. 143-215.10D reads as rewritten:

39 **"§ 143-215.10D. Operations review.**

40 (a) The Division, in cooperation with the Division of Soil and Water
41 ~~Conservation~~Conservation of the Department of Agriculture and Consumer Services, shall
42 develop a reporting procedure for use by technical specialists who conduct operations reviews
43 of animal operations. The reporting procedure shall be consistent with the Division's inspection
44 procedure of animal operations and with this Part. The report shall include any corrective
45 action recommended by the technical specialist to assist the owner or operator of the animal
46 operation in complying with all permit requirements. The report shall be submitted to the
47 Division within 10 days following the operations review unless the technical specialist observes
48 a violation described in G.S. 143-215.10E. If the technical specialist finds a violation described
49 in G.S. 143-215.10E, the report shall be filed with the Division immediately.

50 (b) As part of its animal waste management plan, each animal operation shall have an
51 operations review at least once a year. The operations review shall be conducted by a technical

1 specialist employed by the Division of Soil and Water Conservation of the
2 ~~Department, Department of Agriculture and Consumer Services,~~ a local Soil and Water
3 Conservation District, or the federal Natural Resources Conservation Services working under
4 the direction of the Division of Soil and Water Conservation.

5 (c) Operations reviews shall not be performed by technical specialists with a financial
6 interest in any animal operation."

7 **SECTION 17.** G.S. 143-215.10M(a) reads as rewritten:

8 "(a) The Department shall report to the Environmental Review Commission and the
9 Fiscal Research Division on or before 1 October of each year as required by this section. Each
10 report shall include:

11 ...

12 (2) The number of operations reviews of animal waste management systems that
13 the Division of Soil and Water Conservation of the Department of
14 Agriculture and Consumer Services has conducted since the last report.

15 (3) The number of operations reviews of animal waste management systems
16 conducted by agencies other than the Division of Soil and Water
17 Conservation of the Department of Agriculture and Consumer Services that
18 have been conducted since the last report.

19 (4) The number of reinspections associated with operations reviews conducted
20 by the Division of Soil and Water Conservation of the Department of
21 Agriculture and Consumer Services since the last report.

22 (5) The number of reinspections associated with operations reviews conducted
23 by agencies other than the Division of Soil and Water Conservation of the
24 Department of Agriculture and Consumer Services since the last report.

25"

26 **SECTION 18.** Part 9 of Article 21 of Chapter 143 of the General Statutes is
27 recodified as Article 72 of Chapter 106 of the General Statutes, and accordingly
28 G.S. 143-215.74, 143-215.74A, and 143-215.74B are recodified as G.S. 106-850, 106-851, and
29 106-852.

30 **SECTION 19.** G.S. 106-850(b)(9), as recodified under Section 18 of this act, reads
31 as rewritten:

32 "(9) When the applicant is either (i) a limited-resource farmer, (ii) a beginning
33 farmer, or (iii) a person farming land that is located in an enhanced voluntary
34 agricultural district and is subject to a conservation agreement under
35 G.S. 106-743.2 that remains in effect, State funding shall be limited to ninety
36 percent (90%) of the average cost for each practice with the assisted farmer
37 providing ten percent (10%) of the cost, which may include in-kind support
38 of the practice, with a maximum of one hundred thousand dollars (\$100,000)
39 per year to each applicant. The following definitions apply in this
40 subdivision:

41 a. Beginning farmer. – A farmer who has not operated a farm or who
42 has operated a farm for not more than 10 years and who will
43 materially and substantially participate in the operation of the farm.

44 a1. Enhanced voluntary agricultural district. – A district established by a
45 county or a city by ordinance under Part 3 of Article 61 of ~~Chapter~~
46 ~~106 of the General Statutes.~~ this Chapter.

47"

48 **SECTION 20.** G.S. 106-850(c), as recodified under Section 18 of this act, reads as
49 rewritten:

1 "(c) The program shall be reviewed, prior to implementation, by the Committee created
2 by ~~G.S. 143-215.74B~~G.S. 106-852. The Technical Review Committee shall meet quarterly to
3 review the progress of this program."

4 **SECTION 21.** G.S. 106-850(e), as recodified under Section 18 of this act, reads as
5 rewritten:

6 "(e) The Soil and Water Conservation Commission shall report on or before 31 January
7 of each year to the Environmental Review ~~Commission~~Commission, the Department of
8 Agriculture and Consumer Services, and the Fiscal Research Division. This report shall include
9 a list of projects that received State funding pursuant to the program, the results of the
10 evaluations conducted pursuant to subdivision (7) of subsection (b) of this section, findings
11 regarding the effectiveness of each of these projects to accomplish its primary purpose, and any
12 recommendations to assure that State funding is used in the most cost-effective manner and
13 accomplishes the greatest improvement in water quality."

14 **SECTION 22.** Part 11 of Article 21 of Chapter 143 of the General Statutes is
15 recodified as Article 73 of Chapter 106 of the General Statutes, and accordingly
16 G.S. 143-215.74M is recodified as G.S. 106-860.

17 **SECTION 23.** G.S. 106-860(a), as recodified under Section 22 of this act, reads as
18 rewritten:

19 "(a) Program Established. – There is established the Community Conservation
20 Assistance Program. The Program shall be implemented and supervised by the Soil and Water
21 Conservation ~~Commission~~Commission of the Department of Agriculture and Consumer
22 Services."

23 **SECTION 24.** G.S. 106-860(d), as recodified under Section 22 of this act, reads as
24 rewritten:

25 "(d) Advisory Committee. – The Program shall be reviewed, prior to implementation, by
26 the Community Conservation Assistance Program Advisory Committee. The Advisory
27 Committee shall meet quarterly to review the progress of the Program. The Advisory
28 Committee shall consist of the following members:

- 29 (1) The Director of the Division of Soil and Water Conservation of the
30 Department of Agriculture and Consumer Services or the Director's
31 designee, who shall serve as the Chair of the Advisory Committee.
- 32 (2) The President of the North Carolina Association of Soil and Water
33 Conservation Districts or the President's designee.
- 34 (3) The Director of the Cooperative Extension Service at North Carolina State
35 University or the Director's designee.
- 36 (4) The Executive Director of the North Carolina Association of County
37 Commissioners or the Executive Director's designee.
- 38 (5) The Executive Director of the North Carolina League of Municipalities or
39 the Executive Director's designee.
- 40 (6) The State Conservationist of the Natural Resources Conservation Service of
41 the United States Department of Agriculture or the State Conservationist's
42 designee.
- 43 (7) The Executive Director of the Wildlife Resources Commission or the
44 Executive Director's designee.
- 45 (8) The President of the North Carolina Conservation District Employees
46 Association or the President's designee.
- 47 (9) The President of the North Carolina Association of Resource Conservation
48 and Development Councils or the President's designee.
- 49 (10) The Director of the Division of Water Quality of the Department of
50 Environment and Natural Resources or the Director's designee.

- 1 (11) The Director of the Division of Forest Resources of the Department of
2 Environment and Natural Resources or the Director's designee.
3 (12) The Director of the Division of Land Resources of the Department of
4 Environment and Natural Resources or the Director's designee.
5 (13) The Director of the Division of Coastal Management of the Department of
6 Environment and Natural Resources or the Director's designee.
7 (14) The Director of the Division of Water Resources of the Department of
8 Environment and Natural Resources or the Director's designee.
9 (15) The President of the Carolinas Land Improvement Contractors Association
10 or the President's designee."

11 **SECTION 25.** G.S. 106-860(e), as recodified under Section 22 of this act, reads as
12 rewritten:

13 "(e) Report. – The Soil and Water Conservation Commission shall report no later than
14 31 January of each year to the Environmental Review ~~Commission~~Commission, the
15 Department of Agriculture and Consumer Services, and the Fiscal Research Division. The
16 report shall include a summary of projects that received State funding pursuant to the Program,
17 the results of the evaluation conducted pursuant to subdivision (5) of subsection (b) of this
18 section, findings regarding the effectiveness of each project to accomplish its primary purpose,
19 and any recommendations to assure that State funding is used in the most cost-effective manner
20 and accomplishes the greatest improvement in water quality."

21 **SECTION 26.** G.S. 113-291.10(a) reads as rewritten:

22 "(a) There is established the Beaver Damage Control Advisory Board. The Board shall
23 consist of nine members, as follows:

24 ...

- 25 (4) The Director of the Division of Soil and Water Conservation of the
26 Department of ~~Environment and Natural Resources~~Agriculture and
27 Consumer Services, or a designee;

28"

29 **SECTION 27.** G.S. 106-743.4(b) reads as rewritten:

30 "(b) A person who farms land that is subject to a conservation agreement under
31 G.S. 106-743.2 that remains in effect is eligible under G.S. ~~143-215.74(b)~~106-850(b) to receive
32 the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture
33 Cost Share Program established pursuant to ~~Part 9 of Article 21 of Chapter 143 of the General~~
34 ~~Statutes~~Article 72 of this Chapter for funds to benefit that farmland."

35 **SECTION 28.** The Revisor of Statutes shall make the conforming statutory
36 changes necessary to reflect the transfers under Section 1 of this act. The Revisor of Statutes
37 may correct any reference in the General Statutes to the statutes that are recodified by this act
38 and any other conforming changes necessitated by this act.

39 **SECTION 29.** This act becomes effective July 1, 2011.