

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

FILED SENATE  
Mar 26, 2015  
S.B. 689  
PRINCIPAL CLERK

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SENATE DRS45268-SV-12 (03/10)

Short Title: Public Infrastructure Oversight Commission. (Public)

Sponsors: Senator Hartsell (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE  
3 OVERSIGHT COMMISSION.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 120 of the General Statutes is amended by adding the  
6 following new Article:

7 "Article 12S.

8 "Joint Legislative Public Infrastructure Oversight Commission.

9 **§ 120-70.160. Creation and membership of Joint Legislative Public Infrastructure**  
10 **Oversight Commission.**

11 (a) Creation and Membership. – The Joint Legislative Public Infrastructure Oversight  
12 Commission is established. The Commission consists of 24 members. Public members must be  
13 residents of this State. The cochairs of the Commission may call upon other knowledgeable  
14 persons or experts to assist the Commission in its work. The membership is as follows:

15 (1) Five members appointed by the President Pro Tempore of the Senate as  
16 follows:

17 a. Three Senate members, one of whom shall be designated as a  
18 cochair.

19 b. Two public members, one of whom is an engineer and one of whom  
20 is a planning professional.

21 (2) Five members appointed by the Speaker of the House of Representatives as  
22 follows:

23 a. Three House members, one of whom shall be designated as a  
24 cochair.

25 b. Two public members, one of whom is a general contractor and one of  
26 whom has expertise in public finance.

27 (3) Three public members appointed by the Governor, one of whom has  
28 expertise in environmental issues, one of whom represents business interests,  
29 and one of whom has expertise in public infrastructure issues.

30 (4) The Secretary of Commerce or a Department of Commerce employee  
31 designated by the Secretary who is familiar with State and local programs  
32 that fund public infrastructure improvements.

33 (5) The Secretary of Transportation or a Department of Transportation  
34 employee designated by the Secretary who is familiar with State and local  
35 programs that fund transportation infrastructure improvements.



- 1           (6)   The Secretary of Environment and Natural Resources or a Department of  
2           Environment and Natural Resources employee designated by the Secretary  
3           who is familiar with financing, regulatory, and technical assistance programs  
4           of the Department related to water and sewer infrastructure.
- 5           (7)   The Secretary of Administration or a Department of Administration  
6           employee who is familiar with the State's public infrastructure needs.
- 7           (8)   The Director of the Rural Economic Development Division or a Division  
8           employee designated by the Director who is familiar with public  
9           infrastructure financing programs.
- 10          (9)   The Director of the Local Government Commission or an employee of the  
11          State Treasurer's Office designated by the Director who is familiar with the  
12          functions of the Commission.
- 13          (10) A School of Government faculty member who is familiar with public  
14          infrastructure and the various methods of financing public infrastructure  
15          projects.
- 16          (11) The Executive Director of the League of Municipalities or a League  
17          employee designated by the Executive Director who is familiar with the  
18          League's programs.
- 19          (12) The Executive Director of the North Carolina Association of County  
20          Commissioners or an Association employee designated by the Executive  
21          Director who is familiar with the Association's programs.
- 22          (13) The Director of the School Boards Association or an Association employee  
23          who is familiar with the State's public school capital facilities needs and  
24          funding mechanisms for public school construction.
- 25          (14) The Director of NC Broadband within the Department of Commerce or the  
26          Director's designee.

27          (b)   Terms. – The members appointed by the President Pro Tempore of the Senate and  
28          the Speaker of the House of Representatives, including the cochairs, serve two-year terms and  
29          begin on the convening of the General Assembly in each odd-numbered year, except the terms  
30          of the initial members, which begin on appointment and end on the day of the convening of the  
31          2017 General Assembly. Members may complete a term of service on the Commission even if  
32          they do not seek reelection or are not reelected to the General Assembly, but resignation or  
33          removal from service in the General Assembly constitutes resignation or removal from service  
34          on the Commission. The members who are ex officio members, or designees of those members,  
35          serve until they are no longer in office or are replaced with another designee. All other  
36          members serve two-year terms. Members may be removed in accordance with G.S. 143B-13 as  
37          if that section applies to this Article.

38          (c)   Cochair. – The President Pro Tempore of the Senate and the Speaker of the House  
39          of Representatives shall each designate a cochair who shall be a member of the General  
40          Assembly.

41          (d)   Meetings. – The Commission must meet at least quarterly, beginning October 1,  
42          2015, and may meet as often as needed upon joint call of the cochairs. A majority of the  
43          members of the Commission constitutes a quorum. The Commission may meet in the  
44          Legislative Building or the Legislative Office Building. The Commission may contract for  
45          professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative  
46          Services Commission, through the Legislative Services Officer, shall assign professional staff  
47          to assist the Commission in its work. The House of Representatives' and Senate's Directors of  
48          Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to  
49          the clerical employees shall be borne by the Commission. Members of the Commission shall  
50          receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as  
51          appropriate.

1       (e) Vacancies. – A vacancy in the Commission is filled in the same manner in which  
2 the original appointment was made. The term of an appointment to fill a vacancy is for the  
3 balance of the unexpired term.

4       (f) Compensation. – The Commission members receive no salary or other  
5 compensation for serving on the Commission.

6 **"§ 120-70.161. Purpose and powers of Commission; reports.**

7       (a) Findings. – The economic well-being and the physical security of the citizens and  
8 businesses of this State depend on safe, reliable, and efficient public infrastructure. Roads,  
9 airports, railways, ports, and other public investments are instrumental in boosting North  
10 Carolina's productivity and global economic competitiveness. Facilities that manage water,  
11 waste, and energy are fundamental in sustaining quality of life and health. Adequate public  
12 infrastructure also serves as an equalizer between the rural and urban areas of the State by  
13 facilitating access. The General Assembly recognizes that there are critical needs in this State  
14 to develop, improve, maintain, and fund various types of public infrastructure at both the State  
15 and local levels, including, but not limited to, transportation projects, water and sewer projects,  
16 public school construction, and broadband services, in order to secure and enhance the  
17 economic well-being of North Carolinians, to promote economic development in the State, and  
18 to provide a healthy climate for the creation of jobs. The General Assembly finds that the State  
19 lacks a comprehensive policy structure and sufficient funding sources to guide the State's  
20 decisions about undertaking and investing in projects. The General Assembly further  
21 recognizes that a variety of entities study, evaluate, and monitor the different public  
22 infrastructure needs, but no single entity exists to serve as a repository for the studies and  
23 assessments, to evaluate, prioritize, and monitor the meeting of those needs, and to develop a  
24 comprehensive statewide policy and goals for the development and financing of public  
25 infrastructure.

26       (b) Purpose and Powers. – The Joint Legislative Public Infrastructure Oversight  
27 Commission shall examine, on a continuing basis, public infrastructure issues in North Carolina  
28 in order to make ongoing recommendations to the General Assembly on ways to promote  
29 comprehensive and coordinated local, regional, and State planning and investment in public  
30 infrastructure. The purpose of this Commission is to inventory the assessments conducted by  
31 State agencies, local governments, and other entities, to develop a comprehensive statewide  
32 policy that includes both short-term and long-term solutions for meeting critical infrastructure  
33 needs, and to identify dedicated sources of funding and methods to leverage private capital,  
34 including the creation of an infrastructure bank, to finance those needs. While in the discharge  
35 of its official duties, the Commission has the powers of a joint Commission under G.S. 120-19  
36 through G.S. 120-19.4. In its examination, the Commission may do any of the following:

37       (1) Collect and analyze data, studies, or assessments of public infrastructure  
38 deficits in this State, including deficits in the areas of transportation, water  
39 and sewer, public school construction, and broadband services. The data  
40 may include proposals by other entities, such as the Department of  
41 Transportation, the Department of Public Instruction, the Department of  
42 Commerce, the Rural Economic Development Division, and the Program  
43 Evaluation Division of the General Assembly, for addressing these deficits.

44       (2) Inventory existing funding sources and study ways to leverage private sector  
45 capital, including the creation of an infrastructure bank and the use of user  
46 fees.

47       (3) Analyze legislation from other states regarding the financing of public  
48 infrastructure projects.

49       (4) Identify areas in which local governments may require additional assistance  
50 in undertaking public infrastructure projects, such as staffing, training,  
51 financing expertise, project review, or service delivery.

- 1           (5)   Develop a comprehensive statewide public infrastructure policy for the  
2           development, enhancement, evaluation, prioritization, and financing of  
3           public infrastructure projects. The policy shall include performance  
4           measures that can be used to determine whether the outcomes are achieving  
5           the policy goals. The policy shall address efficiencies and demand  
6           management by taking into consideration whether more assistance should be  
7           given to initiatives, programs, or projects that reduce the long-term cost of  
8           public infrastructure, create more sustainable resources, or take advantage of  
9           economies of scale.
- 10          (6)   Periodically review each funding source for consistency with, and  
11          adjustment to, the comprehensive statewide policy.
- 12          (7)   Study any other matters that the Commission considers necessary to fulfill  
13          its mandate.
- 14          (c)   Reports. – The Commission shall report annually by April 1 to the Chairs of the  
15          House of Representatives and Senate Appropriations Committees, House of Representatives  
16          and Senate Finance Committees, and to the Governor. A report may contain any legislation  
17          needed to implement a recommendation of the Commission."
- 18          **SECTION 2.** This act is effective when it becomes law.