

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 904
PROPOSED COMMITTEE SUBSTITUTE H904-PCS40496-MH-12

Short Title: Study Drainage Needs/Low-Lying Areas.

(Public)

Sponsors:

Referred to:

April 16, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE DRAINAGE IMPROVEMENT STUDY COMMISSION TO
3 IDENTIFY, STUDY, AND RECOMMEND POLICIES TO ENHANCE DRAINAGE
4 AND ALLEVIATE DRAINAGE PROBLEMS IN LOW-LYING COUNTIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** There is established the Drainage Improvement Study
7 Commission (Commission).

8 **SECTION 1.(b)** The Commission shall be composed of 15 members as follows:

9 (1) Six members appointed by the Speaker of the House of Representatives, as
10 follows:

- 11 a. Two members of the House of Representatives.
- 12 b. One member of the public representing the North Carolina
13 Association of County Commissioners.
- 14 c. One member of the public representing forestry interests in the State.
- 15 d. One member of the public representing owners of riparian property
16 threatened by drainage issues.
- 17 e. One member representing a drainage district organized under
18 Chapter 156 of the General Statutes or a watershed improvement
19 district established under Article 2 of Chapter 139 of the General
20 Statutes.

21 (2) Six members appointed by the President Pro Tempore of the Senate, as
22 follows:

- 23 a. Two members of the Senate.
- 24 b. One member of the public representing the North Carolina League of
25 Municipalities.
- 26 c. One member of the public representing agricultural interests in the
27 State.
- 28 d. One member of the public representing owners of coastal property
29 threatened by drainage issues.
- 30 e. One member who is a member of a trade or occupation with
31 knowledge and experience in the design or construction of drainage
32 or stormwater systems and structures.

33 (3) The Director of the Division of Soil and Water Conservation of the
34 Department of Agriculture and Consumer Services, or the Director's
35 designee.



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1 (4) The Secretary of the Department of Transportation, or the Secretary's
2 designee.

3 (5) The Executive Director of the Wildlife Resources Commission, or the
4 Executive Director's designee.

5 **SECTION 1.(c)** The Commission shall also consult with and request the
6 participation of representatives of the Wilmington District of the United States Army Corps of
7 Engineers and the Natural Resource Conservation Service of the United States Department of
8 Agriculture.

9 **SECTION 1.(d)** The Commission shall study the following matters related to the
10 problem of adequate drainage in counties that include areas with an elevation less than 124 feet
11 above sea level (low-lying counties):

12 (1) The impact and cost to agriculture, forestry, and property owners from lack
13 of adequate drainage in low-lying counties.

14 (2) The legal, regulatory, and financial impediments to resolution of drainage
15 problems in low-lying counties.

16 (3) The contribution of beavers to drainage problems and the adequacy of
17 existing programs and funding for beaver control.

18 **SECTION 1.(e)** Members of the Commission shall receive per diem, subsistence
19 allowances, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as
20 appropriate. The Commission, while in the discharge of its official duties, may exercise all
21 powers provided for under G.S. 120-19 and G.S. 120-19.4. The Commission may meet upon
22 the call of the cochairs. The Commission may meet in the Legislative Building or the
23 Legislative Office Building. With approval of the Legislative Services Commission, the
24 Legislative Services Officer shall assign professional staff to assist the Commission in its work.
25 The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign
26 clerical staff to the Commission, and the expenses relating to the clerical employees shall be
27 borne by the Commission.

28 All State departments and agencies and local governments and their subdivisions
29 shall furnish the Commission with any information in their possession or available to them.

30 **SECTION 1.(f)** The Commission shall make a final report of its findings and
31 legislative recommendations to the 2016 Regular Session of the 2015 General Assembly. The
32 Commission shall terminate on December 31, 2016, or upon the filing of its final report,
33 whichever occurs first.

34 **SECTION 2.** This act is effective when it becomes law.