



HOUSE BILL 904: Study Drainage Needs/Low-lying Areas

2015-2016 General Assembly

Committee:	House Appropriations	Date:	July 27, 2015
Introduced by:	Reps. Waddell, Brisson, Hamilton, Iler	Prepared by:	
Analysis of:	PCS to First Edition H904-CSMH-12		Committee Staff

SUMMARY: *Establishes the Drainage Improvement Study Commission to review policies to enhance drainage and alleviate drainage problems and to recommend legislation for drainage improvement.*

CURRENT LAW: Chapter 156 of the General Statutes governs drainage law in North Carolina. The Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services is the entity responsible for executing the State's policy on drainage improvement and mitigation of drainage problems. Drainage issues are especially significant in low-lying areas of the State.

BILL ANALYSIS: The Proposed Committee Substitute for House Bill 904 creates the Drainage Improvement Study Commission (Commission) consisting of 15 members, to include:

- Six members appointed by the Speaker of the House of Representatives, as follows:
 - Two members of the House of Representatives.
 - One member of the North Carolina Association of County Commissioners.
 - One member representing forestry interests in the State.
 - One member representing owners of riparian property threatened by drainage issues.
 - One member representing a drainage district organized under Chapter 156 of the General Statutes or a watershed improvement district established under Article 2 of Chapter 139 of the General Statutes.
- Six members appointed by the President Pro Tempore of the Senate, as follows:
 - Two members of the Senate.
 - One member of the North Carolina League of Municipalities.
 - One member representing agricultural interests in the State.
 - One member representing owners of coastal property threatened by drainage issues.
 - One member who is a member of a trade or occupation with knowledge and experience in the design or construction of drainage or stormwater systems and structures.
- Director of the Division of Soil and Water Conservation of the Department of Agriculture and Consumer Services, or the Director's designee.
- Secretary of the Department of Transportation, or the Secretary's designee.
- Executive Director of the Wildlife Resources Commission, or the Executive Director's designee.

The Commission is charged with studying the following matters related to the problem of adequate drainage in counties having an elevation less than 124 feet above sea level (low-lying counties):

- (1) The impact and cost to agriculture, forestry, and property owners from lack of adequate drainage.

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- (2) The legal, regulatory, and financial impediments to resolution of drainage problems.
- (3) The contribution of beavers to drainage problems, and the adequacy of existing programs and funding for beaver control.

The Commission is directed to report its findings and legislative recommendations to the 2016 Regular Session of the 2015 General Assembly.

Further, the Commission is charged with consulting and requesting the participation of representatives of the Wilmington District of the United States Army Corps of Engineers and the Natural Resource Conservation Service of the United States Department of Agriculture. All State departments and agencies and local governments and their subdivisions are required to furnish the Commission with any information in their possession or available to them. As is typical of independent legislative study commissions, it will receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, G.S. 138-5, or G.S. 138-6, as appropriate. The Commission may exercise all powers provided under G.S. 120-19 and G.S. 120-19.4, may meet upon the call of the cochairs and may hold meetings in the legislative complex. The Legislative Services Officer will assign professional staff to assist, with the approval of the Legislative Services Commission. The House and Senate directors of legislative assistants will assign clerical staff to the Commission, with such costs borne by the Commission.

EFFECTIVE DATE: The act is effective when it becomes law. The Commission terminates December 31, 2016, or upon the filing of its final report, whichever occurs first.