

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 496
SENATE BILL 1112

AN ACT TO AMEND THE NORTH CAROLINA CLEAN WATER REVOLVING LOAN AND GRANT PROGRAM TO ALLOW MUNICIPALITIES TO PLEDGE USER FEES OR ANY AVAILABLE SOURCES OF REVENUES FOR THE PAYMENT OF REVOLVING FUNDS AND TO CLARIFY THE AUTHORITY OF THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH RESPECT TO CERTIFICATION OF LABORATORIES THAT MONITOR WATER AND AIR QUALITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 159G-9 reads as rewritten:

"§ 159G-9. Eligibility.

No application shall be eligible for a revolving loan or grant under this Chapter unless it shall demonstrate to the satisfaction of the receiving agency that:

- (1) The applicant is a local government unit.
- (2) The applicant has the financial capacity to pay the principal of and the interest on its proposed obligations and loans.
- (3) The applicant has substantially complied or will substantially comply with all applicable laws, rules, regulations and ordinances, federal, State and local.
- (4) The applicant has agreed by official resolution to adopt and place into effect on or before completion of the project a schedule of ~~fees and charges~~ fees, charges, and other available funds, including but not limited to the funds described in G.S. 159G-13(b), which will provide adequate funds that will adequately provide for proper operation, ~~maintenance~~ maintenance, and administration of the ~~project~~ project and for repayment of all principal of and interest on loans."

Sec. 2. G.S. 159G-17 reads as rewritten:

"§ 159G-17. Annual reports to Joint Legislative Commission on Governmental Operations.

(a) The Department of Environment, Health, and Natural Resources, the Division of Environmental Health, and the Environmental Management Commission shall prepare and file on or before July 31 of each year with the Joint Legislative Commission on Governmental Operations a consolidated report for the preceding fiscal year concerning the allocation of revolving loans and grants authorized by this Chapter.

(b) The portion of the report prepared by the Department of Environment, Health, and Natural Resources shall set forth for the preceding fiscal year itemized and

total allocations from the Wastewater Accounts of revolving loans and grants authorized by the Environmental Management Commission; and itemized and total allocations from the Water Supply Accounts of revolving loans and grants authorized by the Division of Environmental Health. The Department of Environment, Health, and Natural Resources shall also prepare a summary report of all allocations made from the Clean Water Revolving Loan and Grant Fund for each of the previous five fiscal year; years; the total funds received and allocations made; and unallocated funds on hand in each account as of the end of the preceding fiscal year.

(c) Environmental Management Commission and Division of Environmental Health. – The portions of the report prepared by the Environmental Management Commission and the Division of Environmental Health shall include:

- (1) Identification of each revolving loan and grant made by the receiving agency during the preceding fiscal year; the total amount of the revolving loan and grant commitments; the sums actually paid during the preceding fiscal year to each revolving loan and grant made and to each revolving loan and grant previously committed but unpaid; and the total revolving loan and grant funds paid during the preceding fiscal year.
- (2) Repealed by Session Laws 1991, c. 186, s. 9.
- (3) ~~Summarization~~ A summary for all the preceding five years of the total number of revolving loans and grants made; the total funds committed to such revolving loans and grants; and the total sum actually paid to such revolving loans and grants.
- (4) Assessment and evaluation of the effects that approved projects have had upon water pollution control and water supplies within the purposes of this Chapter and with relation to the total water pollution control and water supply problem.

(d) The report shall be signed by each of the chief executive officers of the State agencies preparing the report."

Sec. 3. G.S. 159G-18 reads as rewritten:

"§ 159G-18. Local government borrowing authority.

(a) Local government units may execute debt instruments payable to the State in order to obtain revolving loans provided for in this Chapter. Local government units shall pledge as security for such obligations the user fee revenues derived from operation of the benefited facilities or systems only, or other sources of revenue, or their faith and credit, or ~~both~~ any combination thereof. The faith and credit of such local government units shall not be pledged or be deemed to have been pledged unless the requirements of Article 4, Chapter 159 of the General Statutes have been met. The State Treasurer, with the assistance of the Local Government Commission, shall develop and adopt appropriate debt instruments for use under this Chapter. The Local Government Commission shall develop and adopt appropriate procedures for the delivery of debt instruments to the State without any public bidding therefor.

(b) The Local Government Commission shall review and approve proposed loans to applicants under this Chapter under the provisions of Articles 4 and 5, Chapter 159 of

the General Statutes, as if the issuance of bonds was proposed, so far as those provisions are applicable. Revolving loans under this Chapter shall be outstanding debt for the purpose of Article 10, Chapter 159 of the General Statutes."

Sec. 4. G.S. 143-215.3(a)(10) reads as rewritten:

"(10) To require a laboratory facility ~~to be certified by the Department before performing that performs~~ any tests, analyses, measurements, or monitoring required under this Article or Article 21B of this Chapter ~~and to establish fees therefor.~~ to be certified annually by the Department, to establish standards that a laboratory facility and its employees must meet and maintain in order for the laboratory facility to be certified, and to charge a laboratory facility a fee for certification. Fees collected under this subdivision shall be credited to the Water and Air Account and used to administer this subdivision."

Sec. 5. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives