

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 519
SENATE BILL 917

AN ACT TO ALLOW MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION AND SUPERVISORS OF SOIL AND WATER CONSERVATION DISTRICTS TO PARTICIPATE IN THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AND TO ALLOCATE FUNDS FOR THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL TO BE USED FOR CAPITAL EXPENSES ASSOCIATED WITH DEVELOPING AGRICULTURE WASTE MANAGEMENT MEASURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 139-4 reads as rewritten:

"§ 139-4. Powers and duties of Soil and Water Conservation Commission generally.

- (a) to (c) Repealed by Session Laws 1973, c. 1262, s. 38.
- (d) In addition to the duties and powers hereinafter conferred upon the Soil and Water Conservation Commission, it shall have the following duties and powers:
 - (1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.
 - (2) To keep the supervisors of each of the several districts organized under the provisions of this Chapter informed of the activities and experience of all other districts organized hereunder, and to facilitate an interchange of advice and experience between such districts and cooperation between them.
 - (3) To coordinate the programs of the several soil and water conservation districts organized hereunder so far as this may be done by advice and consultation.
 - (4) To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts.
 - (5) To disseminate information throughout the State concerning the activities and programs of the soil and water conservation districts organized hereunder, and to encourage the formation of such districts in areas where their organization is desirable.
 - (6) Upon the filing of a petition signed by all of the district supervisors of any one or more districts requesting a change in the boundary lines of

said district or districts, the Commission may change such lines in such manner as in its judgment would best serve the interests of the occupiers of land in the area affected thereby.

- (7) To receive, review and approve or disapprove applications for planning assistance under the provisions of Public Law 566 (83rd Congress, as amended), and recommend priorities on such applications.
- (8) To supervise and review small watershed work plans pursuant to G.S. 139-41.2 and 139-47.
- (9) To create, implement, and supervise the Agriculture Cost Share Program for Nonpoint Source Pollution Control pursuant to G.S. 143-215.74.
- (10) To review and approve or disapprove the application of a district supervisor for a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control as provided by G.S. 139-8(13).

(e) A member of the Commission may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control if:

- (1) The member does not vote on the application or attempt to influence the outcome of any action on the application; and
- (2) The application is approved by the Secretary of Environment, Health, and Natural Resources."

Sec. 2. G.S. 139-8 is amended by designating the existing language as subsection (a) and by adding a new subdivision to subsection (a) to read:

"(13) To assist the Commission in the implementation and supervision of the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to G.S. 143-215.74 and to assist in the implementation and supervision of any other program intended to protect water quality administered by the Department of Environment, Health, and Natural Resources by providing technical assistance, allocating available grant monies, and providing any other assistance that may be required or authorized by any provision of federal or State law."

Sec. 3. G.S. 139-8 is amended by adding a new subsection to read:

"(b) A district supervisor may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control if:

1. The district supervisor does not vote on the application or attempt to influence the outcome of any action on the application; and
2. The application is approved by the Commission."

Sec. 4. G.S. 14-234 is amended by adding a new subsection to read:

"(d3) Subsection (a) of this section does not apply to an application for or the receipt of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to G.S. 143-215.74 by a member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e) are met, and does

not apply to a district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b) are met."

Sec. 5. G.S. 139-3(4) reads as rewritten:

"(4) 'Commission' or 'Soil and Water Conservation Commission' means the ~~agency created in G.S. 139-4.~~ Soil and Water Conservation Commission created by G.S. 143B-294."

Sec. 6. Of the funds appropriated in House Bill 230 of the 1995 General Assembly, if enacted by the General Assembly, to the Department of Environment, Health, and Natural Resources, Division of Soil and Water Conservation, for the 1995-96 fiscal year for the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the sum of five hundred thousand dollars (\$500,000) shall be used for the 1995-96 fiscal year for capital expenses associated with developing agriculture waste management measures that reduce agricultural nonpoint source discharges, consistent with G.S. 143-214.5(a). These funds shall be used in accordance with the match and program requirements set forth in G.S. 143-215.74(b). Any funds remaining at the end of the 1995-96 fiscal year shall not revert, but shall remain available for the use authorized by this subsection.

Sec. 7. Section 6 of this act becomes effective 1 July 1995. All other provisions of this act are effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives