

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 510
HOUSE BILL 1166

AN ACT TO AUTHORIZE A TECHNICAL AMENDMENT OF SECTION 7(c)(1) OF CHAPTER 909, SESSION LAWS OF 1971 (CLEAN WATER BOND ACT) TO PERMIT ASSISTANCE GRANTS TO LOCAL UNITS OF GOVERNMENT FOR THE CONSTRUCTION AND IMPROVEMENT OF WASTEWATER TREATMENT WORKS FROM FUNDS HERETOFORE APPROVED BY THE GENERAL ASSEMBLY AND A VOTE OF THE PEOPLE.

Whereas, the 1971 General Assembly, by enactment of Chapter 909, Session Laws of 1971 (Clean Water Bond Act of 1971), authorized the issuance of one hundred fifty million dollars (\$150,000,000) in bonds of the State, subject to approval by the people, to be used for State assistance grants to local units of government for the construction and improvement of wastewater treatment works, wastewater collection systems, and public water supply systems; and

Whereas, the issuance of said bonds was approved by a vote of the people in May, 1972; and

Whereas, Section 7(c)(1) of said Chapter 909 allocated fifty million dollars (\$50,000,000) of the funds realized from the sale of the bonds for grants to be used exclusively for the construction and improvement of wastewater treatment works; and

Whereas, under the existing language of Section 7(c)(1), grants may be made pursuant thereto only when required by federal law as a condition of a federal grant; and

Whereas, the Congress amended the federal law in 1972 to remove the requirement that federal grants be conditioned upon the availability of state grant funds; and

Whereas, the amendment of federal law removed the condition upon which state grants could be made under the provisions of Section 7(c)(1) of the act, with the result that approximately thirty million dollars (\$30,000,000) of the fifty million dollars (\$50,000,000) authorized for state grants for wastewater treatment works may not be expended nor bonds issued for such purpose; and

Whereas, the existing technical language of the federal amendment and of Section 7(c)(1) of the act will result in a reduction by approximately sixty percent (60%) of the funds intended and authorized by the General Assembly and the people to be used as grants to local units of government for the construction and improvement of wastewater treatment works; and

Whereas, the reduction in funds available for such purposes will have a massive adverse effect upon the water pollution control program of the State and local units of government in that it will impede or prevent the control, prevention and abatement of water pollution and the protection and enhancement of water quality; and

Whereas, the accomplishment of the water pollution control program is vital to the public interest and necessary to the public health, safety and welfare; and

Whereas, the General Assembly deems it necessary to amend the technical language of Section 7(c)(1) in order that all of the funds heretofore authorized by the General Assembly and the people for local assistance grants for the improvement and construction of wastewater treatment works may be made available for such purposes; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Subject to a favorable vote of a majority of the qualified voters of the State who shall vote thereon in an election called and held as hereinafter provided and for the purpose of permitting the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works. Section 7(c)(1) of the Clean Water Bond Act of 1971 (Chapter 909, 1971 Session Laws) is amended to read as follows:

"Fifty million dollars (\$50,000,000) of the funds allocated to the Pollution Control Account shall be used exclusively for the purpose of providing the State's share of the funds required for an approved wastewater treatment works project to qualify for federal grants; provided, however, that any funds which cannot be used exclusively for such purpose shall be used exclusively for the purpose of grants to pay a portion of the nonfederal share (not to exceed the limitations set forth in subsection (a)(2) of Section 7 of this Act) of the eligible construction costs of approved wastewater treatment works projects which qualify for federal grants."

Sec. 2. The question of the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 shall be submitted to the qualified voters of the State of North Carolina at an election to be held on a date not later than November 30, 1973, to be fixed by the Governor by a proclamation issued by him; provided, that the election herein provided for may be held on the same day as any other State, county, municipal or district election, and any other State, county, municipal or district election may be validly held on the same day as the election provided for in this act. Notice of the election shall be given by publication at least twice in a newspaper published in each county in the State or having a general circulation therein, and the election and the registration of voters therefor shall be held under and in accordance with the general laws of the State, except that no absentee ballots shall be allowed in said election. The State Board of Elections shall cause to be printed and distributed the ballots which are to be used in the election, which ballots shall be substantially in the following form:

OFFICIAL BALLOT

AMENDMENT OF CLEAN WATER BOND ACT

Instructions for Marking Ballot

- (a) To vote in favor of the amendment, make a cross (X) mark in the square opposite the words "For the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works."
- (b) To vote against the amendment, make a cross (X) mark in the square opposite the words "Against the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works."
- (c) If you tear or deface or wrongly mark this ballot, return it and get another.
 - FOR the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works.
 - AGAINST the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works.

(Facsimile Signature)

Chairman, State Board of Elections

Those voting in the election who are in favor of the amendment shall vote by making an X in the square opposite the words "For the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction, improvement or expansion of wastewater treatment works."

Those opposed to the amendment shall vote by making an X in the square opposite the words "Against the amendment of Section 7(c)(1) of the Clean Water Bond Act of 1971 to permit the expenditure of funds heretofore authorized by a vote of the General Assembly and the people for grants to units of government for the construction improvement or expansion of wastewater treatment works."

Notwithstanding the foregoing provisions of this subsection, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

If a majority of those voting thereon in the election shall vote in favor of the amendment, Section 7(c)(1) of Chapter 909, Session Laws of 1971, shall be amended as hereinbefore provided. In the event a majority of those voting thereon in the election shall vote against the amendment, said Section 7(c)(1) shall not be amended.

The result of the election shall be canvassed and declared as provided by law for the holding of elections for State officers and the result thereof certified by the State Board of Elections to the Secretary of State of North Carolina, in the manner and at the time provided by the general election laws of the State.

Sec. 3. If a majority of those voting thereon in the election shall vote in favor of the amendment, funds shall be allocated in the amount and used for the purposes set forth in Section 7(c)(1) of the Clean Water Bond Act of 1971 as amended hereby.

Sec. 4. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of May, 1973.