

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1815\*

Short Title: Amend Clean Water Trust Fund.

(Public)

---

Sponsors: Representatives Hurley; Morris and Warner.

---

Referred to: Rules, Calendar, and Operations of the House.

---

May 30, 2000

1 A BILL TO BE ENTITLED  
2 AN ACT TO CHANGE THE ALLOCATIONS OF THE CLEAN WATER  
3 MANAGEMENT TRUST FUND.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113-145.2 reads as rewritten:

6 "**§ 113-145.2. Definitions.**

7 As used in this Article:

8 (1) Council. – The advisory council for the Clean Water Management Trust  
9 Fund.

10 (2) Economically Distressed Units of Local Government. – Counties  
11 designated as economically distressed by the Secretary of Commerce  
12 under G.S. 143B-437A and any cities located in those counties.

13 (3) Fund. – The Clean Water Management Trust Fund created pursuant to  
14 this Article.

15 (4) Land. – Real property and any interest in, easement in, or restriction on  
16 real property.

17 (4a) River basin association. – A nonprofit corporation as defined by G.S.  
18 55A-1-40 that is organized as a river basin association that is basinwide,  
19 and that has basinwide, broad-based representation of diverse water  
20 resource interests.

1 (5) Trustees. – The trustees of the Clean Water Management Trust Fund."

2 Section 2. G.S. 113-145.3 is amended by adding a new subsection to read:

3 "(b1) Allocations to River Basin Accounts. – A portion of the funds in the Clean  
4 Water Management Trust Fund shall be allocated to 17 river basin accounts to be  
5 awarded as grants in those river basins in accordance with G.S. 113-145.3A. Grants  
6 awarded from those accounts are subject to the provisions of this Article unless provided  
7 otherwise."

8 Section 3. Article 13A of Chapter 113 of the General Statutes is amended by  
9 adding a new section to read:

10 "**§ 113-145.3A. River basin accounts and allocations.**

11 (a) River Basin Accounts Established. – There is established within the Clean  
12 Water Management Trust Fund 17 river basin accounts, one for each river basin in the  
13 State. These accounts are established to provide an equitable distribution of funds among  
14 the State's 17 river basins. The funds are to be used within each river basin based on the  
15 priorities, specific regional water resource issues, and data needs within the basin and the  
16 criteria developed by the Trustees. The allocation of funds within each river basin will  
17 also provide a cost-effective method of providing information to the Trustees regarding  
18 potential uses for the remainder of the Clean Water Management Trust Funds.

19 (b) Allocation of Funds to River Basin Accounts. – Of the funds reserved and  
20 transferred to the Clean Water Management Trust Fund in accordance with G.S. 143-15.2  
21 and G.S. 143-15.3B allocations are made as provided in this section after first subtracting  
22 the amounts allocated to pay the operating expenses of the Board of Trustees and its staff  
23 as provided by G.S. 113-145.3(c)(9) and G.S. 113-145.3(d). There is allocated to each  
24 river basin account a sum equal to the population of the river basin on June 30 of that  
25 fiscal year. The sum allocated shall be based on a rate of one dollar (\$1.00) per person.  
26 The population figures shall be determined by the Trustees using the most recent U.S.  
27 census figures available on June 30 of the appropriate fiscal year. Funds not awarded as  
28 grants in a fiscal year shall revert at the end of the fiscal year to the Clean Water  
29 Management Trust Fund established under G.S. 113-145.3 and may be awarded by the  
30 Trustees in the subsequent fiscal year as grants in any river basin of the State.

31 (c) Use of Funds; Award of Grants; Reversion of Funds. – The sums allocated to  
32 the river basin accounts each fiscal year may be used only for grants within the river  
33 basin for which the account is designated and only for the purposes set out in G.S. 113-  
34 145.3. The Trustees shall award the grants, unless an eligible river basin association  
35 submits an application to the Trustees to award the grants. If the Trustees determine that  
36 the river basin association is eligible, then the river basin association rather than the  
37 Trustees shall award the grants from the funds allocated to the river basin account for  
38 projects or activities within the river basin. The Trustees shall notify the Office of State  
39 Budget and Management, the State Treasurer, and the Fiscal Research Division of the  
40 General Assembly within 30 days after a determination by the Trustees that a river basin  
41 association is eligible to award grants within a particular river basin.

1        (d) Eligible River Basin Associations. – A river basin association is eligible to  
2 award and administer the grants allocated to the river basin it represents if it meets the  
3 following criteria:

4            (1) It is a nonprofit corporation as defined in G.S. 55A-1-40.

5            (2) It is a river basin association that is basinwide, and that has basinwide,  
6 broad-based representation of diverse water resource interests.

7            (3) It has as its primary purpose the conservation, preservation, and  
8 restoration of the environmental and natural resources of the river basin  
9 that it represents.

10           (4) It agrees to award grants within the river basin based on the criteria in  
11 subsection (a) of this section and the criteria developed by the Trustees  
12 for awarding grants under this Article.

13        (e) Eligible Grant Applicants. – Any applicant eligible under G.S. 113-145.4 is  
14 eligible to apply for a grant under this section, provided the grant is for a project within  
15 the appropriate river basin.

16        (f) Grant Procedures if Grants Awarded by River Basin Association. – If grants  
17 are to be awarded by a river basin association rather than the Trustees, then grant  
18 application forms and procedures shall be identical to those of the Trustees when  
19 reasonable and grant applications shall be submitted to the river basin association rather  
20 than the Trustees."

21           Section 4. G.S. 113-145.6A is amended by adding a new subsection to read:

22        "(c) No later than November 1, 2000, and quarterly thereafter, the financial officer  
23 of each river basin association that awarded grants under this Article shall submit to the  
24 Board of Trustees of the Clean Water Management Trust Fund, the Joint Legislative  
25 Commission on Governmental Operations, the Environmental Review Commission and  
26 the Subcommittees on Natural and Economic Resources of the House of Representatives  
27 and Senate Appropriations Committees a list of the projects awarded grants from the  
28 appropriate river basin account that quarter. The list shall include for each project a  
29 description of the project, the amount of the grant awarded for the project, and the total  
30 cost of the project. A written copy of the list and other information regarding the projects  
31 shall also be sent to the Fiscal Research Division of the General Assembly by November  
32 1, 2000, and for each subsequent quarter."

33           Section 5. This act becomes effective July 1, 2000.