

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 638

Short Title: Agricultural Water Resources Assistance. (Public)

Sponsors: Senator Rouzer.

Referred to: Agriculture/Environment/Natural Resources.

April 19, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE AGRICULTURAL WATER RESOURCES ASSISTANCE
3 PROGRAM IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL
4 RESOURCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 21 of Chapter 143 of the General Statutes is amended by
7 adding a new Part to read:

8 "Part 12. Agricultural Water Resources Assistance Program.

9 "**§ 143-215.74P. Agricultural Water Resources Assistance Program.**

10 (a) Program Established. – The Agricultural Water Resources Assistance Program is
11 established in the Department of Environment and Natural Resources. The Program shall be
12 implemented by the Soil and Water Conservation Commission. The Soil and Water
13 Conservation Commission and the Board of Agriculture shall have joint responsibility for
14 program oversight.

15 (b) Purposes. – The purpose of the Program shall be to assist farmers and agricultural
16 landowners to do the following:

- 17 (1) Identify opportunities to increase water use efficiency, availability, and
18 storage.
19 (2) Implement best management practices to conserve and protect water
20 resources and increase water use efficiency.
21 (3) Increase water storage and availability for agricultural purposes.

22 (c) The Program shall be subject to the following requirements and limitations:

- 23 (1) A plan of work to establish Program priorities shall be jointly approved for
24 this Program each program year by the Soil and Water Conservation
25 Commission and the Board of Agriculture.
26 (2) Priority designations for inclusion in the Program for State funding shall be
27 established in the annual plan of work. The Soil and Water Conservation
28 Commission shall allocate the cost share and technical assistance funds as
29 specified in the annual plan of work.
30 (3) Funding may be provided to assist design and implementation of water
31 resource infrastructure, water conservation, and water use efficiency
32 practices approved by the Soil and Water Conservation Commission.
33 (4) Subject to subdivision (5) of this subsection, State funding shall be limited to
34 seventy-five percent (75%) of the average cost for each practice with the
35 assisted farmer providing twenty-five percent (25%) of the cost, which may
36 include in-kind support of the practice, with a maximum of seventy-five
37 thousand dollars (\$75,000) per year to each applicant.



1 (5) When the applicant is either (i) a limited-resource farmer, (ii) a beginning
2 farmer, (iii) a person farming land that is located in an enhanced voluntary
3 agricultural district and is subject to a conservation agreement under
4 G.S. 106-743.2 that remains in effect, or (iv) a person farming land that is
5 subject to a 10-year or greater duration conservation easement, State funding
6 shall be limited to ninety percent (90%) of the average cost for each practice
7 with the assisted farmer providing ten percent (10%) of the cost, which may
8 include in-kind support of the practice, with a maximum of one hundred
9 thousand dollars (\$100,000) per year to each applicant. The definitions in
10 G.S. 143-215.74 for beginning farmer, enhanced voluntary agricultural
11 district, limited-resource farmer, and materially and substantially participate
12 apply to this subdivision.

13 (6) Participation in the Program shall be voluntary.

14 (d) Advisory Committee. – There is established the Agricultural Water Resources
15 Assistance Program Advisory Committee to advise the Commission and Board of Agriculture
16 on the development and administration of the Program, including development of the annual
17 plan of work for the Program. The Advisory Committee shall meet quarterly to evaluate
18 program effectiveness and provide recommendations to the Commission. The Advisory
19 Committee shall consist of the following members:

20 (1) The director of the Division of Soil and Water Conservation or the Director's
21 designee, who shall serve as the Chair of the Advisory Committee.

22 (2) The Commissioner of Agriculture or the Commissioner's designee.

23 (3) The President of the North Carolina Association of Soil and Water
24 Conservation Districts or the President's designee.

25 (4) The Director of the Cooperative Extension Service at North Carolina State
26 University or the Director's designee.

27 (5) The Dean of the School of Agriculture and Environmental Sciences at North
28 Carolina A&T State University, or the Dean's designee.

29 (6) The State Conservationist of the Natural Resources Conservation Service of
30 the United States Department of Agriculture or the State Conservationist's
31 designee.

32 (7) The President of the North Carolina Farm Bureau Federation, or the
33 President's designee.

34 (8) The President of the North Carolina State Grange, or the President's
35 designee.

36 (9) The President of the North Carolina Conservation District Employees
37 Association, or the President's designee.

38 (10) The President of the North Carolina Irrigation Society, or the President's
39 designee.

40 (11) Five at large members representing the diversity of North Carolina
41 agriculture, appointed by the Commissioner of Agriculture for a term of two
42 years. Members appointed by the Commissioner may be reappointed.

43 (e) Report. – The Soil and Water Conservation Commission and the Board of
44 Agriculture shall jointly report no later than 31 March of each year to the Environmental
45 Review Commission and the Fiscal Research Division. The report shall include a summary of
46 projects that received State funding pursuant to the Program and any recommendations to
47 assure that State funding is used in the most cost-effective manner to achieve the Program
48 purposes.

49 (f) Rules. – The Commission shall adopt rules as necessary to implement this Program.
50 "§ 143-215.74Q. Agricultural Water Resources Assistance Account.

1 The Agricultural Water Resources Assistance Account is established within the Division of
2 Soil and Water Conservation of the Department of Environment and Natural Resources. Funds
3 in the Account shall only be used for technical and financial assistance as provided in
4 G.S. 143-215.74P. The Account shall consist of funds available for this purpose and any grants,
5 gifts, or contributions to the State for this purpose. Funds in the Account shall not revert and
6 shall remain available until expended."

7 **SECTION 2.** G.S. 14-234(d3) reads as rewritten:

8 "(d3) Subsection (a) of this section does not apply to an application for or the receipt of a
9 grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created
10 pursuant to Part 9 of Article 21 of Chapter 143 of the General ~~Statutes~~ or Statutes, the
11 Community Conservation Assistance Program created pursuant to Part 11 of Article 21 of
12 Chapter 143 of the General ~~Statutes~~ Statutes, or the Agricultural Water Resources Assistance
13 Program created pursuant to Part 12 of Article 21 of Chapter 143 of the General Statutes by a
14 member of the Soil and Water Conservation Commission if the requirements of G.S. 139-4(e)
15 are met, and does not apply to a district supervisor of a soil and water conservation district if
16 the requirements of G.S. 139-8(b) are met."

17 **SECTION 3.** G.S. 139-4(d) reads as rewritten:

18 "(d) In addition to the duties and powers hereinafter conferred upon the Soil and Water
19 Conservation Commission, it shall have the following duties and powers:

20 ...

21 (9) To create, implement, and supervise the Agriculture Cost Share Program for
22 Nonpoint Source Pollution Control created pursuant to Part 9 of Article 21
23 of Chapter 143 of the General ~~Statutes~~ and Statutes, the Community
24 Conservation Assistance Program created pursuant to Part 11 of Article 21
25 of Chapter 143 of the General ~~Statutes~~ Statutes, and the Agricultural Water
26 Resources Assistance Program created pursuant to Part 12 of Article 21 of
27 Chapter 143 of the General Statutes.

28 (10) To review and approve or disapprove the application of a district supervisor
29 for a grant under the Agriculture Cost Share Program for Nonpoint Source
30 Pollution ~~Control~~ or Control, the Community Conservation Assistance
31 ~~Program~~ Program, or the Agricultural Water Resources Assistance Program
32 created pursuant to Part 12 of Article 21 of Chapter 143 of the General
33 Statutes as provided by G.S. 139-8(b)."

34 **SECTION 4.** G.S. 139-4(e) reads as rewritten:

35 "(e) A member of the Commission may apply for and receive a grant under the
36 Agriculture Cost Share Program for Nonpoint Source Pollution ~~Control~~ and Control, the
37 Community Conservation Assistance ~~Program~~ Program, or the Agricultural Water Resources
38 Assistance Program if:

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

43 **SECTION 5.** G.S. 139-8(b) reads as rewritten:

44 "(b) A district supervisor may apply for and receive a grant under the Agriculture Cost
45 Share Program for Nonpoint Source Pollution Control created pursuant to Part 9 of Article 21
46 of Chapter 143 of the General ~~Statutes~~ or Statutes, the Community Conservation Assistance
47 Program created pursuant to Part 11 of Article 21 of Chapter 143 of the General ~~Statutes~~
48 Statutes, or the Agricultural Water Resources Assistance Program created pursuant to Part 12
49 of Article 21 of Chapter 143 of the General Statutes if:

- 50 1. The district supervisor does not vote on the application or attempt to
51 influence the outcome of any action on the application; and

- 1 2. The application is approved by the Commission."
2 **SECTION 6.** The first report required under G.S. 143-215.74P, as enacted by
3 Section 1 of this act, is due on or before March 31, 2013.
4 **SECTION 7.** This act becomes effective July 1, 2011.