

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**SENATE DRS15057-LD-24 (02/24)**

Short Title:    Transfer DENR Soil & Water to DACS. (Public)

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Sponsors:     Senators East, Rouzer, and Jackson (Primary Sponsors).

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Referred to:

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1                                    A BILL TO BE ENTITLED  
2 AN ACT TO TRANSFER THE DIVISION OF SOIL AND WATER CONSERVATION AND  
3 THE SOIL AND WATER CONSERVATION COMMISSION OF THE DEPARTMENT  
4 OF ENVIRONMENT AND NATURAL RESOURCES TO THE DEPARTMENT OF  
5 AGRICULTURE AND CONSUMER SERVICES AND TO MAKE CONFORMING  
6 CHANGES.

7 The General Assembly of North Carolina enacts:

8           **SECTION 1.(a)** The Division of Soil and Water Conservation is transferred from  
9 the Department of Environment and Natural Resources to the Department of Agriculture and  
10 Consumer Services with all the elements of a Type I transfer, as defined by G.S. 143A-6.

11           **SECTION 1.(b)** All functions, powers, duties, and obligations previously vested in  
12 the State Soil and Water Conservation Commission are transferred to and vested in the  
13 Department of Agriculture and Consumer Services by a Type II transfer, as defined in  
14 G.S. 143A-6.

15           **SECTION 2.(a)** G.S. 143B-279.3(a) reads as rewritten:

16           "(a) All functions, powers, duties, and obligations previously vested in the following  
17 subunits of the following departments are transferred to and vested in the Department of  
18 Environment and Natural Resources by a Type I transfer, as defined in G.S. 143A-6:

19           ...

20           (10) ~~Soil and Water Conservation Division, Department of Natural Resources and~~  
21                 ~~Community Development.~~

22           ...."

23           **SECTION 2.(b)** G.S. 143B-279.3(b) reads as rewritten:

24           "(b) All functions, powers, duties, and obligations previously vested in the following  
25 commissions, boards, councils, and committees of the following departments are transferred to  
26 and vested in the Department of Environment and Natural Resources by a Type II transfer, as  
27 defined in G.S. 143A-6:

28           ...

29           (21) ~~State Soil and Water Conservation Commission, Department of Natural~~  
30                 ~~Resources and Community Development.~~

31           ...."

32           **SECTION 3.** Part 7 of Article 7 of Chapter 143B of the General Statutes is  
33 recodified as Article 71 of Chapter 106 of the General Statutes, and accordingly G.S. 143B-294  
34 through G.S. 143B-297.1 are recodified as G.S. 106-840 through G.S. 106-844.



1           **SECTION 4.** G.S. 106-840, as recodified by Section 3 of this act, reads as  
2 rewritten:

3   "**§ 106-840. Soil and Water Conservation Commission – creation; powers and duties;**  
4   **compliance inspections.**

5       (a) There is hereby created the Soil and Water Conservation Commission of the  
6 Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services with the  
7 power and duty to adopt rules to be followed in the development and implementation of a soil  
8 and water conservation program.

9           (1) The Soil and Water Conservation Commission has all of the following  
10 powers and duties:

11           a. To approve petitions for soil conservation districts.

12           b. To approve application for watershed plans.

13           c. Such other duties as specified in Chapter 139.

14           d. To conduct any inspections in accordance with subsection (b) of this  
15 section.

16       (2) The Commission shall adopt rules consistent with the provisions of this  
17 Chapter. All rules not inconsistent with the provisions of this Chapter  
18 heretofore adopted by the Soil and Water Conservation Committee shall  
19 remain in full force and effect unless and until repealed or superseded by  
20 action of the Soil and Water Conservation Commission. All rules adopted by  
21 the Commission shall be enforced by the Department of ~~Environment and~~  
22 ~~Natural Resources~~ Agriculture and Consumer Services.

23       (b) An employee or agent of the Soil and Water Conservation Commission or the  
24 Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services may  
25 enter property, with the consent of the owner or person having control over property, at  
26 reasonable times for the purposes of investigating compliance with Commission or Department  
27 programs when the investigation is reasonably necessary to carry out the duties of the  
28 Commission. If the Commission or Department is unable to obtain the consent of the owner of  
29 the property, the Commission or Department may obtain an administrative search warrant  
30 pursuant to G.S. 15-27.2.

31       (c) Any person who refuses entry or access to property by an employee or agent of the  
32 Commission or the Department or who willfully resists, delays, or obstructs an employee or  
33 agent of the Commission or the Department while the employee or agent is in the process of  
34 carrying out official duties after the employee or agent has obtained the consent of the owner or  
35 person having control of the property or, if consent is not obtained, after the employee or agent  
36 has obtained an administrative search warrant, shall be guilty of a Class 1 misdemeanor."

37   **SECTION 5.** G.S. 106-841(a), as recodified by Section 3 of this act, reads as  
38 rewritten:

39       "(a) The Soil and Water Conservation Commission of the Department of ~~Environment~~  
40 ~~and Natural Resources~~ Agriculture and Consumer Services shall be composed of seven  
41 members appointed by the Governor. The Commission shall be composed of the following  
42 members:

43       ...."

44   **SECTION 6.** G.S. 139-3(4) reads as rewritten:

45       "(4) "Commission" or "Soil and Water Conservation Commission" means the  
46 Soil and Water Conservation Commission created by  
47 G.S. ~~143B-294~~ 106-840."

48   **SECTION 7.** G.S. 139-4(d) reads as rewritten:

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

51       ...

- 1 (9) To create, implement, and supervise the Agriculture Cost Share Program for  
2 Nonpoint Source Pollution Control created pursuant to ~~Part 9 of Article 21~~  
3 ~~of Chapter 143~~ Article 72 of Chapter 106 of the General Statutes and the  
4 Community Conservation Assistance Program created pursuant to Part 11 of  
5 Article 21 of Chapter 143 of the General Statutes.
- 6 (10) To review and approve or disapprove the application of a district supervisor  
7 for a grant under the Agriculture Cost Share Program for Nonpoint Source  
8 Pollution Control or the Community Conservation Assistance Program as  
9 provided by G.S. 139-8(b).
- 10 (11) To develop and implement a program for the approval of water quality and  
11 animal waste management systems technical specialists.
- 12 (12) To develop and approve best management practices for the Agriculture Cost  
13 Share Program for Nonpoint Source Pollution Control and for use in the  
14 water quality protection programs of the Department of Environment and  
15 Natural Resources and to adopt rules that establish criteria governing  
16 approval of these best management practices."

17 **SECTION 8.** G.S. 139-4(e) reads as rewritten:

18 "(e) A member of the Commission may apply for and receive a grant under the  
19 Agriculture Cost Share Program for Nonpoint Source Pollution Control and the Community  
20 Conservation Assistance Program if:

- 21 (1) The member does not vote on the application or attempt to influence the  
22 outcome of any action on the application; and
- 23 (2) The application is approved by the ~~Secretary of Environment and Natural~~  
24 ~~Resources~~ Commissioner of Agriculture."

25 **SECTION 9.** G.S. 139-5(d) reads as rewritten:

26 "(d) The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer  
27 Services shall pay all expenses for the issuance of such notices and the conduct of such  
28 hearings and referenda, and shall supervise the conduct of such hearings and referenda. It shall  
29 issue appropriate regulations governing the conduct of such hearings and referenda, and  
30 providing for the registration prior to the date of the referendum of all eligible voters, or  
31 prescribing some other appropriate procedure for the determination of those eligible as voters  
32 in such referendum. No informality in the conduct of such referendum or in any matters  
33 relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have  
34 been given substantially as herein provided and said referendum shall have been fairly  
35 conducted."

36 **SECTION 10.** G.S. 139-5(e) reads as rewritten:

37 "(e) The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer  
38 Services shall publish the results of such referendum and shall thereafter consider and  
39 determine whether the operation of the district within the defined boundaries is administratively  
40 practicable and feasible. If the Commission shall determine that the operation of such district is  
41 not administratively practicable and feasible, it shall record such determination and deny the  
42 petition. If the Commission shall determine that the operation of such district is  
43 administratively practicable and feasible, it shall record such in the manner hereinafter  
44 provided. In making such determination the Commission shall give due regard and weight to  
45 the attitudes of the occupiers of lands lying within the defined boundaries, the number of land  
46 occupiers eligible to vote in such referendum who shall have voted, the proportion of the votes  
47 cast in such referendum in favor of the creation of the district to the total number of votes cast,  
48 the approximate wealth and income of the land occupiers of the proposed district, the probable  
49 expense of carrying on erosion control operations within such district, and such other economic  
50 and social factors as may be relevant to such determination, having due regard to the legislative  
51 determination set forth in G.S. 139-2: Provided, however, that the Commission shall not have

1 authority to determine that the operations of the proposed district within the defined boundaries  
2 is administratively practicable and feasible unless at least a majority of the votes cast in the  
3 referendum upon the proposition of creation of the district shall have been cast in favor of the  
4 creation of such district."

5 **SECTION 11.** G.S. 139-7 reads as rewritten:

6 **"§ 139-7. District board of supervisors – appointive members; organization of board;  
7 certain powers and duties.**

8 The governing body of a soil and water conservation district shall consist of the three  
9 elective supervisors from the county or counties in the district, together with the appointive  
10 members appointed by the Soil and Water Conservation Commission pursuant to this section,  
11 and shall be known as the district board of supervisors. When a district is composed of less than  
12 four counties, the board of supervisors of each county shall on or before October 31, 1978, and  
13 on or before October 31 as the terms of the appointive supervisors expire, recommend in  
14 writing two persons from the district to the Commission to be appointed to serve with the  
15 elective supervisors. If the names are not submitted to the Commission as required, the office  
16 shall be deemed vacant on the date the term is set to expire and the Commission shall appoint  
17 two persons of the district to the district board of supervisors to serve with the elected  
18 supervisors. The Commission shall make its appointments prior to or at the November meeting  
19 of the Commission. Appointive supervisors shall take office on the first Monday in December  
20 following their appointment. Such appointive supervisors shall serve for a term of four years,  
21 and thereafter, as their terms expire, their successors shall serve for a term of four years. The  
22 terms of office of all appointive supervisors who have heretofore been lawfully appointed for  
23 terms the final year of which presently extends beyond the first Monday in December are  
24 hereby terminated on the first Monday in December of the final year of appointment. Vacancies  
25 for any reason in the appointive supervisors shall be filled for the unexpired term by the  
26 appointment of a person by the Commission from the district in which the vacancy occurs.  
27 Vacancies for any reason in the elected supervisors shall be filled for the unexpired term by  
28 appointment by the Commission of a person from the county in the district in which the  
29 vacancy occurs.

30 In those districts composed of four or more counties, the Commission may, but is not  
31 required to, appoint two persons from the district without recommendation from the board of  
32 supervisors, to serve as district supervisors along with the elected members of the board of  
33 supervisors. Such appointments shall be made at the same time other appointments are made  
34 under this section, and the persons appointed shall serve for a term of four years.

35 The supervisors shall designate a chairman and may, from time to time, change such  
36 designation. A simple majority of the board shall constitute a quorum for the purpose of  
37 transacting the business of the board, and approval by a majority of those present shall be  
38 adequate for a determination of any matter before the board, provided at least a quorum is  
39 present. Supervisors of soil and water conservation districts shall be compensated for their  
40 services at the per diem rate and allowed travel, subsistence and other expenses, as provided for  
41 State boards, commissions and committees generally, under the provisions of G.S. 138-5;  
42 provided, that when per diem compensation and travel, subsistence, or other expense is claimed  
43 by any supervisor for services performed outside the district for which such supervisor  
44 ordinarily may be appointed or elected to serve, the same may not be paid unless prior written  
45 approval is obtained from the Department of ~~Environment and Natural Resources~~ Agriculture  
46 and Consumer Services.

47 The supervisors may employ a secretary, technical experts, whose qualifications shall be  
48 approved by the Department, and such other employees as they may require, and shall  
49 determine their qualifications, duties and compensation. The supervisors may call upon the  
50 Attorney General of the State for such legal services as they may require. The supervisors may  
51 delegate to their chairman, to one or more supervisors, or to one or more agents, or employees

1 such powers and duties as they may deem proper. The supervisors shall furnish to the Soil and  
2 Water Conservation Commission, upon request, copies of such ordinances, rules, regulations,  
3 orders, contracts, forms, and other documents as they shall adopt or employ, and such other  
4 information concerning their activities as it may require in the performance of its duties under  
5 this Chapter.

6 The supervisors shall provide for the execution of surety bonds for all employees and  
7 officers who shall be entrusted with funds or property; shall provide for the keeping of a full  
8 and accurate record of all proceedings and of all resolutions, regulations, and orders issued or  
9 adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. In  
10 any given year, if the supervisors provide for an internal audit, and the supervisor serving as  
11 chairman certifies, under oath, that this internal audit is a true and accurate reflection of the  
12 accounts of receipts and disbursements, then the supervisors shall not be required,  
13 notwithstanding the provisions of G.S. 159-34, to provide for an audit of the accounts of  
14 receipts and disbursements by a certified public accountant or by an accountant certified by the  
15 Local Government Commission. Any supervisor may be removed by the Soil and Water  
16 Conservation Commission upon notice and hearing, for neglect of duty, incompetence or  
17 malfeasance in office, but for no other reason.

18 The supervisors may invite the legislative body of any municipality or county located near  
19 the territory comprised within the district to designate a representative to advise and consult  
20 with the supervisors of the district on all questions of program and policy which may affect the  
21 property, water supply, or other interests of such municipality or county.

22 All district supervisors whose terms of office expire prior to the first Monday in January,  
23 1948, shall hold over and remain in office until supervisors are elected or appointed and qualify  
24 as provided in this Chapter, as amended. The terms of office of all district supervisors, who  
25 have heretofore been elected or appointed for terms extending beyond the first Monday in  
26 January, 1948, are hereby terminated on the first Monday in January, 1948."

27 **SECTION 12.** G.S. 139-8(a)(13) reads as rewritten:

28 "(13) To assist the Commission in the implementation and supervision of the  
29 Agriculture Cost Share Program for Nonpoint Source Pollution Control  
30 created pursuant to ~~G.S. 143-215.74~~G.S. 106-850 and to assist in the  
31 implementation and supervision of any other program intended to protect  
32 water quality administered by the Department of ~~Environment and Natural~~  
33 ~~Resources~~Agriculture and Consumer Services by providing technical  
34 assistance, allocating available grant monies, and providing any other  
35 assistance that may ~~by~~be required or authorized by any provision of federal  
36 or State law."

37 **SECTION 13.** G.S. 139-13 reads as rewritten:

38 **"§ 139-13. Discontinuance of districts.**

39 At any time after five years after the organization of a district under the provisions of this  
40 Chapter, any 25 occupiers of land lying within the boundaries of such districts may file a  
41 petition with the Soil and Water Conservation Commission praying that the operations of the  
42 district be terminated and the existence of the district discontinued. The Commission may  
43 conduct such public meetings and public hearings upon such petition as may be necessary to  
44 assist it in the consideration thereof. Within 60 days after such a petition has been received by  
45 the Commission it shall give due notice of the holding of a referendum, and shall supervise  
46 such referendum, and issue appropriate regulations governing the conduct thereof, the question  
47 to be submitted by ballots upon which the words "For terminating the existence of the \_\_\_\_\_  
48 (name of the soil and water conservation district to be here inserted)" and "Against terminating  
49 the existence of the \_\_\_\_\_ (name of the soil and water conservation district to be here  
50 inserted)" shall appear with a square before each proposition and a direction to insert an X mark  
51 in the square before one or the other of said propositions as the voter may favor or oppose

1 discontinuance of such district. All occupiers of lands lying within the boundaries of the district  
2 shall be eligible to vote in such referendum. Only such land occupiers shall be eligible to vote.  
3 No informalities in the conduct of such referendum or in any matters relating thereto shall  
4 invalidate said referendum or the result thereof if notice thereof shall have been given  
5 substantially as herein provided and said referendum shall have been fairly conducted.

6 The Department of ~~Environment and Natural Resources~~ Agriculture and Consumer Services  
7 shall publish the result of such referendum and shall thereafter consider and determine whether  
8 the continued operation of the district within the defined boundaries is administratively  
9 practicable and feasible. If the Commission shall determine that the continued operation of such  
10 district is administratively practicable and feasible, it shall record such determination and deny  
11 the petition. If the Commission shall determine that the continued operation of such district is  
12 not administratively practicable and feasible, it shall record such determination and shall certify  
13 such determination to the supervisors of the district. In making such determination the  
14 Commission shall give due regard and weight to the attitudes of the occupiers of lands lying  
15 within the district, the number of land occupiers eligible to vote in such referendum who shall  
16 have voted, the proportion of the votes cast in such referendum in favor of the discontinuance  
17 of the district to the total number of votes cast, the approximate wealth and income of the land  
18 occupiers of the district, the probable expense of carrying on erosion control operations within  
19 such district, and such other economic and social factors as may be relevant to such  
20 determination, having due regard to the legislative findings set forth in G.S. 139-2: Provided,  
21 however, that the Commission shall not have authority to determine that the continued  
22 operation of the district is administratively practicable and feasible unless at least a majority of  
23 the votes cast in the referendum shall have been cast in favor of the continuance of such  
24 district.

25 Upon receipt from the Soil and Water Conservation Commission of a certification that the  
26 Commission has determined that the continued operation of the district is not administratively  
27 practicable and feasible, pursuant to the provisions of this section, the supervisors shall  
28 forthwith proceed to terminate the affairs of the district. The supervisors shall dispose of all  
29 property belonging to the district at public auction and shall pay over the proceeds of such sale  
30 to be covered into the State treasury. The supervisors shall thereupon file an application, duly  
31 verified, with the Secretary of State for the discontinuance of such district, and shall transmit  
32 with such application the certificates of the Soil and Water Conservation Commission setting  
33 forth the determination of the Commission that the continued operation of such district is not  
34 administratively practicable and feasible. The application shall recite that the property of the  
35 district has been disposed of and the proceeds paid over as in this section provided, and shall  
36 set forth a full accounting of such properties and proceeds of the sale. The Secretary of State  
37 shall issue to the supervisors a certificate of dissolution and shall record such certificate in an  
38 appropriate book of record in his office.

39 Upon issuance of a certificate of dissolution under the provisions of this section, all  
40 ordinances and regulations theretofore adopted and in force within such districts shall be of no  
41 further force and effect. All contracts theretofore entered into, to which the district or  
42 supervisors are parties, shall remain in force and effect for the period provided in such  
43 contracts. The Soil and Water Conservation Commission shall be substituted for the district or  
44 supervisors as party to such contracts. The Commission shall be entitled to all benefits and  
45 subject to all liabilities under such contracts and shall have the same right and liability to  
46 perform, to require performance, to sue and be sued thereon, and to modify or terminate such  
47 contracts by mutual consent or otherwise as the supervisors of the district would have had.  
48 Such dissolution shall not affect the lien of any judgment entered under the provisions of  
49 G.S. 139-11, nor the pendency of any action instituted under the provisions of such section, and  
50 the Commission shall succeed to all the rights and obligations of the district or supervisors as to  
51 such liens and actions.

1 The Soil and Water Conservation Commission shall not entertain petitions for the  
2 discontinuance of any district nor conduct referenda upon such petitions, nor make  
3 determinations pursuant to such petitions, in accordance with the provisions of this Chapter,  
4 more often than once in five years."

5 **SECTION 14.** G.S. 143-215.10A reads as rewritten:

6 "**§ 143-215.10A. Legislative findings and intent.**

7 The General Assembly finds that animal operations provide significant economic and other  
8 benefits to this State. The growth of animal operations in recent years has increased the  
9 importance of good animal waste management practices to protect water quality. It is critical  
10 that the State balance growth with prudent environmental safeguards. It is the intention of the  
11 State to promote a cooperative and coordinated approach to animal waste management among  
12 the agencies of the State with a primary emphasis on technical assistance to farmers. To this  
13 end, the General Assembly intends to establish a permitting program for animal waste  
14 management systems that will protect water quality and promote innovative systems and  
15 practices while minimizing the regulatory burden. Technical assistance, through operations  
16 reviews, will be provided by the Division of Soil and Water ~~Conservation~~Conservation of the  
17 Department of Agriculture and Consumer Services. Permitting, inspection, and enforcement  
18 will be vested in the Division of Water Quality."

19 **SECTION 15.** G.S. 143-215.10C(e)(6) reads as rewritten:

20 "(6) Provisions regarding periodic testing of waste products used as nutrient  
21 sources as close to the time of application as practical and at least within 60  
22 days of the date of application and periodic testing, at least annually, of soils  
23 at crop sites where the waste products are applied. Nitrogen shall be a  
24 rate-determining element. Phosphorus shall be evaluated according to the  
25 nutrient management standard approved by the Soil and Water Conservation  
26 Commission of the Department of Agriculture and Consumer Services and  
27 the Natural Resources Conservation Service of the United States Department  
28 of Agriculture for facilities that are required to be permitted under 40 Code  
29 of Federal Regulations § 122, as amended at 73 Federal Register 70418  
30 (November 20, 2008). If the evaluation demonstrates the need to limit the  
31 application of phosphorus in order to comply with the nutrient management  
32 standard, then phosphorus shall be a rate-determining element. Zinc and  
33 copper levels in the soils shall be monitored, and alternative crop sites shall  
34 be used when these metals approach excess levels."

35 **SECTION 16.** G.S. 143-215.10D reads as rewritten:

36 "**§ 143-215.10D. Operations review.**

37 (a) The Division, in cooperation with the Division of Soil and Water  
38 ~~Conservation~~Conservation of the Department of Agriculture and Consumer Services, shall  
39 develop a reporting procedure for use by technical specialists who conduct operations reviews  
40 of animal operations. The reporting procedure shall be consistent with the Division's inspection  
41 procedure of animal operations and with this Part. The report shall include any corrective  
42 action recommended by the technical specialist to assist the owner or operator of the animal  
43 operation in complying with all permit requirements. The report shall be submitted to the  
44 Division within 10 days following the operations review unless the technical specialist observes  
45 a violation described in G.S. 143-215.10E. If the technical specialist finds a violation described  
46 in G.S. 143-215.10E, the report shall be filed with the Division immediately.

47 (b) As part of its animal waste management plan, each animal operation shall have an  
48 operations review at least once a year. The operations review shall be conducted by a technical  
49 specialist employed by the Division of Soil and Water Conservation of the  
50 ~~Department~~Department of Agriculture and Consumer Services, a local Soil and Water

1 Conservation District, or the federal Natural Resources Conservation Services working under  
2 the direction of the Division of Soil and Water Conservation.

3 (c) Operations reviews shall not be performed by technical specialists with a financial  
4 interest in any animal operation."

5 **SECTION 17.** G.S. 143-215.10M(a) reads as rewritten:

6 "(a) The Department shall report to the Environmental Review Commission and the  
7 Fiscal Research Division on or before 1 October of each year as required by this section. Each  
8 report shall include:

9 ...

10 (2) The number of operations reviews of animal waste management systems that  
11 the Division of Soil and Water Conservation of the Department of  
12 Agriculture and Consumer Services has conducted since the last report.

13 (3) The number of operations reviews of animal waste management systems  
14 conducted by agencies other than the Division of Soil and Water  
15 Conservation of the Department of Agriculture and Consumer Services that  
16 have been conducted since the last report.

17 (4) The number of reinspections associated with operations reviews conducted  
18 by the Division of Soil and Water Conservation of the Department of  
19 Agriculture and Consumer Services since the last report.

20 (5) The number of reinspections associated with operations reviews conducted  
21 by agencies other than the Division of Soil and Water Conservation of the  
22 Department of Agriculture and Consumer Services since the last report.

23 ...."

24 **SECTION 18.** Part 9 of Article 21 of Chapter 143 of the General Statutes is  
25 recodified as Article 72 of Chapter 106 of the General Statutes, and accordingly  
26 G.S. 143-215.74, 143-215.74A, and 143-215.74B are recodified as G.S. 106-850, 106-851, and  
27 106-852.

28 **SECTION 19.** G.S. 106-850(b)(9), as recodified under Section 18 of this act, reads  
29 as rewritten:

30 "(9) When the applicant is either (i) a limited-resource farmer, (ii) a beginning  
31 farmer, or (iii) a person farming land that is located in an enhanced voluntary  
32 agricultural district and is subject to a conservation agreement under  
33 G.S. 106-743.2 that remains in effect, State funding shall be limited to ninety  
34 percent (90%) of the average cost for each practice with the assisted farmer  
35 providing ten percent (10%) of the cost, which may include in-kind support  
36 of the practice, with a maximum of one hundred thousand dollars (\$100,000)  
37 per year to each applicant. The following definitions apply in this  
38 subdivision:

39 a. Beginning farmer. – A farmer who has not operated a farm or who  
40 has operated a farm for not more than 10 years and who will  
41 materially and substantially participate in the operation of the farm.

42 a1. Enhanced voluntary agricultural district. – A district established by a  
43 county or a city by ordinance under Part 3 of Article 61 of ~~Chapter~~  
44 ~~106 of the General Statutes.~~ this Chapter.

45 ...."

46 **SECTION 20.** G.S. 106-850(c), as recodified under Section 18 of this act, reads as  
47 rewritten:

48 "(c) The program shall be reviewed, prior to implementation, by the Committee created  
49 by ~~G.S. 143-215.74B.~~ G.S. 106-852. The Technical Review Committee shall meet quarterly to  
50 review the progress of this program."

1           **SECTION 21.** G.S. 106-850(e), as recodified under Section 18 of this act, reads as  
2 rewritten:

3           "(e) The Soil and Water Conservation Commission shall report on or before 31 January  
4 of each year to the ~~Environmental Review Commission~~Board of Agriculture and the Fiscal  
5 Research Division. This report shall include a list of projects that received State funding  
6 pursuant to the program, the results of the evaluations conducted pursuant to subdivision (7) of  
7 subsection (b) of this section, findings regarding the effectiveness of each of these projects to  
8 accomplish its primary purpose, and any recommendations to assure that State funding is used  
9 in the most cost-effective manner and accomplishes the greatest improvement in water quality."

10           **SECTION 22.** Part 11 of Article 21 of Chapter 143 of the General Statutes is  
11 recodified as Article 73 of Chapter 106 of the General Statutes, and accordingly  
12 G.S. 143-215.74M is recodified as G.S. 106-860.

13           **SECTION 23.** G.S. 106-860(a), as recodified under Section 22 of this act, reads as  
14 rewritten:

15           "(a) Program Established. – There is established the Community Conservation  
16 Assistance Program. The Program shall be implemented and supervised by the Soil and Water  
17 Conservation ~~Commission~~Commission of the Department of Agriculture and Consumer  
18 Services."

19           **SECTION 24.** G.S. 106-860(d), as recodified under Section 22 of this act, reads as  
20 rewritten:

21           "(d) Advisory Committee. – The Program shall be reviewed, prior to implementation, by  
22 the Community Conservation Assistance Program Advisory Committee. The Advisory  
23 Committee shall meet quarterly to review the progress of the Program. The Advisory  
24 Committee shall consist of the following members:

- 25           (1) The Director of the Division of Soil and Water Conservation of the  
26 Department of Agriculture and Consumer Services or the Director's  
27 designee, who shall serve as the Chair of the Advisory Committee.
- 28           (2) The President of the North Carolina Association of Soil and Water  
29 Conservation Districts or the President's designee.
- 30           (3) The Director of the Cooperative Extension Service at North Carolina State  
31 University or the Director's designee.
- 32           (4) The Executive Director of the North Carolina Association of County  
33 Commissioners or the Executive Director's designee.
- 34           (5) The Executive Director of the North Carolina League of Municipalities or  
35 the Executive Director's designee.
- 36           (6) The State Conservationist of the Natural Resources Conservation Service of  
37 the United States Department of Agriculture or the State Conservationist's  
38 designee.
- 39           (7) The Executive Director of the Wildlife Resources Commission or the  
40 Executive Director's designee.
- 41           (8) The President of the North Carolina Conservation District Employees  
42 Association or the President's designee.
- 43           (9) The President of the North Carolina Association of Resource Conservation  
44 and Development Councils or the President's designee.
- 45           (10) The Director of the Division of Water Quality of the Department of  
46 Environment and Natural Resources or the Director's designee.
- 47           (11) The Director of the Division of Forest Resources of the Department of  
48 Environment and Natural Resources or the Director's designee.
- 49           (12) The Director of the Division of Land Resources of the Department of  
50 Environment and Natural Resources or the Director's designee.

- 1 (13) The Director of the Division of Coastal Management of the Department of  
2 Environment and Natural Resources or the Director's designee.  
3 (14) The Director of the Division of Water Resources of the Department of  
4 Environment and Natural Resources or the Director's designee.  
5 (15) The President of the Carolinas Land Improvement Contractors Association  
6 or the President's designee."

7 **SECTION 25.** G.S. 106-860(e), as recodified under Section 22 of this act, reads as  
8 rewritten:

9 "(e) Report. – The Soil and Water Conservation Commission shall report no later than  
10 31 January of each year to the ~~Environmental Review Commission~~Board of Agriculture and the  
11 Fiscal Research Division. The report shall include a summary of projects that received State  
12 funding pursuant to the Program, the results of the evaluation conducted pursuant to  
13 subdivision (5) of subsection (b) of this section, findings regarding the effectiveness of each  
14 project to accomplish its primary purpose, and any recommendations to assure that State  
15 funding is used in the most cost-effective manner and accomplishes the greatest improvement  
16 in water quality."

17 **SECTION 26.** G.S. 113-291.10(a) reads as rewritten:

18 "(a) There is established the Beaver Damage Control Advisory Board. The Board shall  
19 consist of nine members, as follows:

- 20 ...  
21 (4) The Director of the Division of Soil and Water Conservation of the  
22 Department of ~~Environment and Natural Resources~~Agriculture and  
23 Consumer Services or a designee;

24 ...."

25 **SECTION 27.** G.S. 106-743.4(b) reads as rewritten:

26 "(b) A person who farms land that is subject to a conservation agreement under  
27 G.S. 106-743.2 that remains in effect is eligible under G.S. ~~143-215.74(b)~~106-850(b) to receive  
28 the higher percentage of cost-share funds for the benefit of that farmland under the Agriculture  
29 Cost Share Program established pursuant to ~~Part 9 of Article 21 of Chapter 143 of the General~~  
30 ~~Statutes~~Article 72 of this Chapter for funds to benefit that farmland."

31 **SECTION 28.** The Revisor of Statutes shall make the conforming statutory  
32 changes necessary to reflect the transfers under Section 1 of this act. The Revisor of Statutes  
33 may correct any reference in the General Statutes to the statutes that are recodified by this act  
34 and any other conforming changes necessitated by this act.

35 **SECTION 29.** This act becomes effective July 1, 2011.