

1 **"§ 106-840. Soil and Water Conservation Commission – creation; powers and duties;**
2 **compliance inspections.**

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

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

9 a. To approve petitions for soil conservation districts.

10 b. To approve application for watershed plans.

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

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

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17 remain in full force and effect unless and until repealed or superseded by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

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

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

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

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

41"

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

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

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

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

49 ...

50 (9) To create, implement, and supervise the Agriculture Cost Share Program for
51 Nonpoint Source Pollution Control created pursuant to ~~Part 9 of Article 21~~

1 of ~~Chapter 143~~ Article 72 of Chapter 106 of the General Statutes and the
2 Community Conservation Assistance Program created pursuant to Part 11 of
3 Article 21 of Chapter 143 of the General Statutes.

4 (10) To review and approve or disapprove the application of a district supervisor
5 for a grant under the Agriculture Cost Share Program for Nonpoint Source
6 Pollution Control or the Community Conservation Assistance Program as
7 provided by G.S. 139-8(b).

8 (11) To develop and implement a program for the approval of water quality and
9 animal waste management systems technical specialists.

10 (12) To develop and approve best management practices for the Agriculture Cost
11 Share Program for Nonpoint Source Pollution Control and for use in the
12 water quality protection programs of the Department of Environment and
13 Natural Resources and to adopt rules that establish criteria governing
14 approval of these best management practices."

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

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

19 (1) The member does not vote on the application or attempt to influence the
20 outcome of any action on the application; and

21 (2) The application is approved by the ~~Secretary of Environment and Natural~~
22 ~~Resources~~ Commissioner of Agriculture."

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

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

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

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

1 referendum upon the proposition of creation of the district shall have been cast in favor of the
2 creation of such district."

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

4 **"§ 139-7. District board of supervisors – appointive members; organization of board;**
5 **certain powers and duties.**

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

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

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

45 The supervisors may employ a secretary, technical experts, whose qualifications shall be
46 approved by the Department, and such other employees as they may require, and shall
47 determine their qualifications, duties and compensation. The supervisors may call upon the
48 Attorney General of the State for such legal services as they may require. The supervisors may
49 delegate to their chairman, to one or more supervisors, or to one or more agents, or employees
50 such powers and duties as they may deem proper. The supervisors shall furnish to the Soil and
51 Water Conservation Commission, upon request, copies of such ordinances, rules, regulations,

1 orders, contracts, forms, and other documents as they shall adopt or employ, and such other
2 information concerning their activities as it may require in the performance of its duties under
3 this Chapter.

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

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

20 All district supervisors whose terms of office expire prior to the first Monday in January,
21 1948, shall hold over and remain in office until supervisors are elected or appointed and qualify
22 as provided in this Chapter, as amended. The terms of office of all district supervisors, who
23 have heretofore been elected or appointed for terms extending beyond the first Monday in
24 January, 1948, are hereby terminated on the first Monday in January, 1948."

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

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

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

36 **"§ 139-13. Discontinuance of districts.**

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

1 No informalities in the conduct of such referendum or in any matters relating thereto shall
2 invalidate said referendum or the result thereof if notice thereof shall have been given
3 substantially as herein provided and said referendum shall have been fairly conducted.

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

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

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

50 The Soil and Water Conservation Commission shall not entertain petitions for the
51 discontinuance of any district nor conduct referenda upon such petitions, nor make

1 determinations pursuant to such petitions, in accordance with the provisions of this Chapter,
2 more often than once in five years."

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

4 "**§ 143-215.10A. Legislative findings and intent.**

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

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

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

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

34 "**§ 143-215.10D. Operations review.**

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

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

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

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

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

7 ...

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

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

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

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

21"

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

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

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

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

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

43"

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

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

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

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

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

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

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

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

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

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

1 (14) The Director of the Division of Water Resources of the Department of
2 Environment and Natural Resources or the Director's designee.

3 (15) The President of the Carolinas Land Improvement Contractors Association
4 or the President's designee."

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

7 "(e) Report. – The Soil and Water Conservation Commission shall report no later than
8 31 January of each year to the ~~Environmental Review Commission~~Board of Agriculture and the
9 Fiscal Research Division. The report shall include a summary of projects that received State
10 funding pursuant to the Program, the results of the evaluation conducted pursuant to
11 subdivision (5) of subsection (b) of this section, findings regarding the effectiveness of each
12 project to accomplish its primary purpose, and any recommendations to assure that State
13 funding is used in the most cost-effective manner and accomplishes the greatest improvement
14 in water quality."

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

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

18 ...
19 (4) The Director of the Division of Soil and Water Conservation of the
20 Department of ~~Environment and Natural Resources~~Agriculture and
21 Consumer Services or a designee;

22"

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

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

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

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