

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE DRS55231-LD-54 (03/11)

Short Title: Agricultural Water Resources Assistance.

(Public)

Sponsors: Senator Rouzer.

Referred to:

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



1 include in-kind support of the practice, with a maximum of seventy-five  
2 thousand dollars (\$75,000) per year to each applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

51 (f) Rules. – The Commission shall adopt rules as necessary to implement this Program.

1 **"§ 143-215.74Q. Agricultural Water Resources Assistance Account.**

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

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

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

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

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

21 ...

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

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

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

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

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

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

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

- 1           1.     The district supervisor does not vote on the application or attempt to  
2           influence the outcome of any action on the application; and  
3           2.     The application is approved by the Commission."  
4           **SECTION 6.** The first report required under G.S. 143-215.74P, as enacted by  
5 Section 1 of this act, is due on or before March 31, 2013.  
6           **SECTION 7.** This act becomes effective July 1, 2011.