

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021**

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**HOUSE BILL 431**

Short Title: Funds for Soil/Water Conservation Programs. (Public)

Sponsors: Representatives McNeely, Dixon, Hurley, and Penny (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

March 30, 2021

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH AND FUND THE STREAMFLOW REHABILITATION  
3 ASSISTANCE PROGRAM AND TO PROVIDE ADDITIONAL FUNDING FOR THE  
4 COMMUNITY CONSERVATION ASSISTANCE PROGRAM.

5 The General Assembly of North Carolina enacts:

6  
7 **PART I. ESTABLISHMENT AND FUNDING OF STREAMFLOW REHABILITATION**  
8 **ASSISTANCE PROGRAM**

9 **SECTION 1.1.(a)** Chapter 139 of the General Statutes is amended by adding a new  
10 Article to read:

11 "Article 6.

12 "Streamflow Rehabilitation Assistance Program.

13 **"§ 139-65. Streamflow Rehabilitation Assistance Program.**

14 (a) Program Established. – The Streamflow Rehabilitation Assistance Program is  
15 established. The purpose of the Program shall be to assist an eligible grantee in protecting and  
16 restoring the integrity of drainage infrastructure through routine maintenance to existing streams  
17 and drainage ways by removing blockages caused by accumulated debris or sediment. Program  
18 funds may also be used to provide nonfederal match for related disaster recovery activities funded  
19 by the federal government. For purposes of this section, an "eligible grantee" shall include any  
20 of the following:

21 (1) A Soil and Water Conservation District established under this Chapter.

22 (2) A political subdivision, including a city, a county, a water or sewer authority  
23 established under Chapter 162A of the General Statutes, a metropolitan or  
24 county water or sewer district established under Chapter 162A of the General  
25 Statutes, a county service district established under Chapter 153A of the  
26 General Statutes, a municipal service district established under Chapter 160A  
27 of the General Statutes, a sanitary district established under Chapter 130A of  
28 the General Statutes, and a drainage district established under Chapter 156 of  
29 the General Statutes.

30 (3) A nonprofit organization.

31 (b) Program Administration. – The Soil and Water Conservation Commission shall  
32 supervise and administer the Streamflow Rehabilitation Assistance Program as provided in this  
33 section.

34 (c) Program Functions. – Under the Streamflow Rehabilitation Assistance Program, the  
35 Soil and Water Conservation Commission shall do the following:



- 1           (1)    Within funds available for this Program, State funding shall be limited to a  
2           maximum of fifty thousand dollars (\$50,000) per project, to be matched by an  
3           eligible grantee based on the economic development tier status, as defined in  
4           G.S. 143B-437.08, of the county where the project is located, as follows:  
5           a.     Eligible grantees in economic development tier one counties shall  
6           provide one dollar (\$1.00) for every three dollars (\$3.00) in State  
7           funds.  
8           b.     Eligible grantees in economic development tier two counties shall  
9           provide one dollar (\$1.00) for every two dollars (\$2.00) in State funds.  
10          c.     Eligible grantees in economic development tier three counties shall  
11          provide one dollar (\$1.00) for every dollar (\$1.00) in State funds.

12           For purposes of this subdivision, eligible grantees with projects located in  
13           more than one county shall be considered to be in the county with the  
14           lower-numbered development tier.

- 15          (2)    Establish criteria to allocate funds to eligible grantees.  
16          (3)    Develop a process for soliciting and reviewing applications and for selecting  
17          applicants to participate in the Program.  
18          (4)    Adopt temporary and permanent rules as necessary to implement this  
19          Program.

20          (d)    Restriction on Funded Activities. – The Commission shall ensure that debris removed  
21          from streams with funds provided under this Article are either removed from the 100-year  
22          floodplain or processed in such a manner that the debris would not pose a risk of blockage or  
23          significant impairment of normal streamflow during a subsequent flood event. For purposes of  
24          this subsection, "100-year floodplain" means any area subject to inundation by the one percent  
25          (1%) annual chance flood event, as indicated on the most recent Flood Insurance Rate Map  
26          prepared by the Federal Emergency Management Agency under the National Flood Insurance  
27          Program.

28          (e)    Report. – No later than January 31 of each year, the Division of Soil and Water  
29          Conservation of the Department of Agriculture and Consumer Services shall prepare a  
30          comprehensive report on the implementation of this section. The report shall be submitted to the  
31          Environmental Review Commission and the Fiscal Research Division as a part of the report  
32          required by G.S. 106-850(e)."

33           **SECTION 1.1.(b)** G.S. 14-234(d3) reads as rewritten:

34           "(d3) Subsection (a) of this section does not apply to an application for or the receipt of a  
35 grant under the ~~Agriculture Cost Share Program for Nonpoint Source Pollution Control created~~  
36 ~~pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation~~  
37 ~~Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, or the~~  
38 ~~Agricultural Water Resources Assistance Program created pursuant to Article 5 of Chapter 139~~  
39 ~~of the General Statutes~~ an exempted public program by a member of the Soil and Water  
40 Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not apply to a  
41 district supervisor of a soil and water conservation district if the requirements of G.S. 139-8(b)  
42 are met. For purposes of this subsection, an exempted public program is any of the following:

- 43           (1)    The Agriculture Cost Share Program for Nonpoint Source Pollution Control  
44           created pursuant to Article 72 of Chapter 106 of the General Statutes.  
45           (2)    The Community Conservation Assistance Program created pursuant to Article  
46           73 of Chapter 106 of the General Statutes.  
47           (3)    The Agricultural Water Resources Assistance Program created pursuant to  
48           Article 5 of Chapter 139 of the General Statutes.  
49           (4)    The Streamflow Rehabilitation Assistance Program created pursuant to  
50           Article 6 of Chapter 139 of the General Statutes."

51           **SECTION 1.1.(c)** G.S. 139-4(d) reads as rewritten:

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

- ...
- (9) To create, implement, and supervise the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, ~~and the~~ Agricultural Water Resources Assistance Program created pursuant to Article 5 of this ~~Chapter~~ Chapter, and the Streamflow Rehabilitation Assistance Program created pursuant to Article 6 of this Chapter.
- (10) To review and approve or disapprove the application of a district supervisor for a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation Assistance Program, or the Agricultural Water Resources Assistance Program as provided by G.S. 139-8(b).

...."

**SECTION 1.1.(d)** G.S. 139-4(e) reads as rewritten:

"(e) A member of the Commission or an organization or unit of local government of which the member is an employee, officer, or elected member of the governing body may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control, the Community Conservation Assistance Program, ~~or the~~ Agricultural Water Resources Assistance Program ~~Program~~, or the Streamflow Rehabilitation Assistance Program if:

- (1) The member does not vote on the application or attempt to influence the outcome of any action on the application; and
- (2) The application is approved by the Commissioner of Agriculture."

**SECTION 1.1.(e)** G.S. 139-8(b) reads as rewritten:

"(b) A district supervisor or an organization or unit of local government of which the supervisor is an employee, officer, or elected member of the governing body may apply for and receive a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution Control created pursuant to Article 72 of Chapter 106 of the General Statutes, the Community Conservation Assistance Program created pursuant to Article 73 of Chapter 106 of the General Statutes, ~~or the~~ Agricultural Water Resources Assistance Program created pursuant to Article 5 of this ~~Chapter~~ Chapter, or the Streamflow Rehabilitation Assistance Program created pursuant to Article 6 of this Chapter if:

- ~~1.~~(1) The district supervisor does not vote on the application or attempt to influence the outcome of any action on the application; and
- ~~2.~~(2) The application is approved by the Commission."

**SECTION 1.2.(a)** All remaining funds in the Coronavirus Relief Reserve created under Section 2.1 of S.L. 2020-4, not to exceed five million dollars (\$10,000,000) are transferred to the Coronavirus Relief Fund created under Section 2.2 of S.L. 2020-4.

**SECTION 1.2.(b).** The total amount of funds remaining in the Coronavirus Relief Fund as of the effective date of this act, not to exceed five million dollars (\$5,000,000), in nonrecurring funds for the 2021-2022 fiscal year and five million dollars (\$5,000,000), in nonrecurring funds for the 2022-2023 fiscal year is appropriated to the Department of Agriculture and Consumer Services for the Soil and Water Conservation Commission for cost-sharing grants under the Streamflow Rehabilitation Assistance Program established in Section 1.1 of this act. In each fiscal year, the Commission shall ensure that fifty thousand dollars (\$50,000) is available to eligible grantees from each county. If there is not enough eligible grantees from a county to use the fifty thousand dollars (\$50,000) reserved for recipients in that county during the initial round of grants, the Commission may award such unused funds to an eligible grantee in another county having the same economic development tier ranking, as defined in G.S. 143B-437.08. For

1 purposes of this section, eligible grantees located in more than one county shall be considered to  
2 be in the county with the lower-numbered development tier.

3 **SECTION 1.2.(c)** If the appropriation under subsection (b) of this section does not  
4 total five million dollars (\$5,000,000), in nonrecurring funds for the 2021-2022 fiscal year and  
5 five million dollars (\$5,000,000), in nonrecurring funds for the 2022-2023 fiscal year, then the  
6 remaining funds necessary to achieve a total of five million dollars in each year of the 2021-2023  
7 fiscal biennium shall be appropriated from the General Fund in nonrecurring funds for the 2021-  
8 2023 fiscal biennium as allocated in this subsection.

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10 **PART II. SUPPLEMENTAL FUNDING FOR COMMUNITY CONSERVATION**  
11 **ASSISTANCE PROGRAM**

12 **SECTION 2.1.** The sum of one million five hundred thousand dollars (\$1,500,000)  
13 in nonrecurring funds for the 2021-2022 fiscal year is appropriated from the General Fund to the  
14 Department of Agriculture and Consumer Services for the Soil and Water Conservation  
15 Commission to support the Community Conservation Assistance Program (CCAP) created  
16 pursuant to Article 73 of Chapter 106 of the General Statutes. The Commission shall use the  
17 funds appropriated by this section to provide cost-share funding through CCAP for the  
18 installation of stormwater best management practices by nonagricultural landowners and land  
19 users.

20  
21 **PART III. NONREVERT AND EFFECTIVE DATE**

22 **SECTION 3.** Funds appropriated by Sections 1.2 and 2.1 of this act shall not revert,  
23 but remain available for expenditure for the purposes set forth herein.

24 **SECTION 4.** Sections 1.2 and 2.1 of this act become effective July 1, 2021. The  
25 remainder of this act is effective when it becomes law.