

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 177*

Short Title: Clean Water Trust Fund/Loans Okay.

(Public)

Sponsors: Senators Kinnaird; Horton, Hoyle, Jenkins, Lee, Phillips, and Rand.

Referred to: Agriculture/Environment/Natural Resources.

February 18, 1997

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT TRUST FUND FOR LOANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 113-145.4 reads as rewritten:

"§ 113-145.4. Clean Water Management Trust Fund: eligibility for ~~grants; loans or grants; grant matching funds or property requirement.~~ funds; loan limit.

(a) Eligible ~~Grant~~-Applicants. – Any of the following are eligible to apply for a loan or grant from the Fund for the purpose of protecting and enhancing water quality:

(1) A State agency.

(2) A local government or other political subdivision of the State or a combination of such entities.

(3) A nonprofit corporation whose primary purpose is the conservation, preservation, and restoration of our State's environmental and natural resources.

(b) Grant Matching Requirement. – The Board of Trustees shall establish matching requirements for grants awarded under this Article. The Board of Trustees may require a match of up to twenty percent (20%) of the amount of the grant awarded. This requirement may be satisfied by the donation of land to a public or private nonprofit

1 conservation organization as approved by the Board of Trustees. The Board of Trustees
2 may also waive the requirement to match a grant pursuant to guidelines adopted by the
3 Board of Trustees.

4 (b1) Loan Limit. – The Board of Trustees shall establish requirements regarding
5 limits on loans provided under this Article. The Board of Trustees may require that the
6 maximum principle amount of a loan not exceed eighty percent (80%) of the nonfederal
7 share of the costs of any eligible project or activity. This requirement may be satisfied by
8 the donation of land to a public or private nonprofit conservation organization as
9 approved by the Board of Trustees. The Board of Trustees may also waive the
10 requirement to limit loans pursuant to guidelines adopted by the Board of Trustees.

11 (c) ~~Grants~~ Loans or Grants Not Available to Satisfy Compensatory Mitigation
12 Requirements. – No loan and no grant shall be awarded-provided under this article-Article
13 to satisfy compensatory mitigation requirements under 33 USC § 1344 or G.S.143-
14 214.11."

15 Section 2. G.S. 113-145.6 reads as rewritten:
16 **"§ 113-145.6. Clean Water Management Trust Fund Board of Trustees: powers and**
17 **duties.**

18 (a) Allocate Loan and Grant Funds. – The Trustees shall allocate moneys from the
19 Fund as loans or grants. A loan or grant may be awarded-provided only for a project or
20 activity that satisfies the criteria and furthers the purposes of this Article.

21 (b) Develop ~~Grant~~ Criteria. – The Trustees shall develop criteria for ~~awarding~~
22 providing loans and grants under this Article. The criteria developed shall include
23 consideration of the following:

- 24 (1) The significant enhancement and conservation of water quality in the
25 State.
- 26 (2) The objectives of the basinwide management plans for the State's river
27 basins and watersheds.
- 28 (3) The promotion of regional integrated ecological networks insofar as
29 they affect water quality.
- 30 (4) The specific areas targeted as being environmentally sensitive.
- 31 (5) The geographic distribution of funds as appropriate.
- 32 (6) The preservation of water resources with significant recreational or
33 economic value and uses.
- 34 (7) The development of a network of riparian buffer-greenways bordering
35 and connecting the State's waterways that will serve environmental,
36 educational, and recreational uses.

37 (c) Develop Additional Guidelines. – The Trustees may develop guidelines in
38 addition to the loan and grant criteria consistent with and as necessary to implement this
39 Article.

40 (d) Acquisition of Land. – The Trustees may acquire land by purchase,
41 negotiation, gift, or devise. Any acquisition of land by the Trustees must be reviewed and
42 approved by the Council of State and the deed for the land subject to approval of the
43 Attorney General before the acquisition can become effective. In determining whether to

1 acquire land as permitted by this Article, the Trustees shall consider whether the
2 acquisition furthers the purposes of this Article and may also consider recommendations
3 from the Council. Nothing in this section shall allow the Trustees to acquire land under
4 the right of eminent domain.

5 (e) Exchange of Land. – The Trustees may exchange any land they acquire in
6 carrying out the powers conferred on the Trustees by this Article.

7 (f) Land Management. – The Trustees may designate managers or managing
8 agencies of the lands acquired under this Article.

9 (g) Tax Credit Certification. – The Trustees shall develop guidelines to determine
10 whether land donated for a tax credit under G.S. 105-130.34 or G.S. 105-151.12 are
11 suitable for one of the purposes under this Article and may be certified for a tax credit.

12 (h) Rule-making Authority. – The Trustees may adopt rules to implement this
13 Article. Chapter 150B of the General Statutes applies to the adoption of rules by the
14 Trustees.

15 (i) The Chair of the Board of Trustees of the Clean Water Management Trust
16 Fund shall report to the Environmental Review Commission beginning November 1,
17 1996, and annually thereafter on implementation of this section. A written copy of the
18 report shall also be sent to the Fiscal Research Division of the General Assembly
19 beginning November 1, 1996, and annually thereafter on implementation of this section."