



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 1087: Water/Wastewater Public Enterprise Reform.

2019-2020 General Assembly

Committee:	House Appropriations. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 2, 2020
Introduced by:		Prepared by:	Jeff Cherry Staff Attorney
Analysis of:	PCS to First Edition H1087-CSMHxfra-6		

OVERVIEW: *The PCS for House Bill 1087 would do all of the following:*

- *Establish a process for identifying distressed public water systems and wastewater systems.*
- *Establish the Viable Utility Fund, within the Department of Environmental Quality, to be used for assisting public water and wastewater systems to become self-sustaining.*
- *Establish a process for a water or wastewater system created under Chapter 162 of the General Statutes to request merger or dissolution of that system.*
- *Encourage interlocal cooperation between public water and wastewater systems.*
- *Make a one-time transfer of \$9,000,000 from the One NC Fund to the Viable Utility Fund and appropriate those funds for the purposes of the Viable Utility Fund.*

[A substantially identical version of Sections 1 through 5 of this PCS was ratified by the General Assembly in both S553 and H966 during the 2019 Session. Both bills were vetoed by the Governor, were not overridden by the General Assembly, and, therefore, did not become law]

CURRENT LAW & BILL ANALYSIS:

DEQ's Division of Water Infrastructure (Division) administers programs to provide grants and low-interest loans to local government units for water and wastewater infrastructure projects. The State Water Infrastructure Authority (SWIA) consists of nine members, is within the Division, and is tasked with, among other things:

- Establishing priorities for making loans and grants.
- Developing a master plan to meet the State's water infrastructure needs.
- Determining the rank of applications and to select the applications eligible to receive loans and grants.

In addition to federal programs such as the Community Development Block Grant, the Division and SWIA administer the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund.

The Local Government Commission (LGC), composed of nine members, provides assistance to local governments and public authorities, approves the issuance of debt for all units of local government, and assists those units with fiscal management.

Part I (Sections 1-6) would:

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- Establish a process for identifying and assessing distressed public water systems and wastewater systems.
- Establish the Viable Utility Fund, within DEQ, to be used for assisting public water and wastewater systems to become self-sustaining.
- Establish a process for a water or wastewater system created under Chapter 162 of the General Statutes to request merger or dissolution of that system.
- Require DEQ to study the statutes and rules governing subbasin transfers and make recommendations as to whether the statutes and rules should be amended. The study must specifically examine whether transfers of water between subbasins within the same major river basin should continue to be required to comply with all of the same requirements under G.S. 143 215.22L as transfers of water between major river basins. In conducting this study, the Department shall consider whether the costs of complying with specific requirements, including financial costs and time, are justified by the benefits of the requirements, including the production of useful information and public notice and involvement. No later than January 15, 2021, the Department of Environmental Quality must report its findings and recommendations to the Environmental Review Commission.
- Require the Department of State Treasurer to study and make recommendations as to the feasibility of authorizing historical charters for units of local government that have become, or are on the brink of becoming, defunct. The study must specifically examine whether these historical charters are needed, the impact of these charters on the bond rating of the State and its political subdivisions, and the consequences of these historical charters. No later than January 15, 2021, the Department of State Treasurer must report its findings and recommendations to the General Assembly.

Part II (Section 7) would transfer \$9 million from the One North Carolina Fund cash balance to the Water Infrastructure, and appropriates those funds to the Viable Utility Reserve established by Part I of the bill.

Part III (Sections 8 and 9) incorporates the State Budget Act into the bill and clarifies that other legislation enacted during the 2019 Regular Session of the General Assembly appropriating funds to any agency covered by the bill remain in effect except where expressly repealed or amended by the bill.

EFFECTIVE DATE: Sections 1-3 of the bill become effective October 1, 2020. Parts II and III of the bill become effective July 1, 2020. The remainder of the bill is effective when it becomes law.

****Kyle Evans and Erika Churchill of the Legislative Analysis Division substantially contributed to this summary.****