



# HOUSE BILL 758: MSD Expansion and Governance/DACS Study.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	January 6, 2020
<b>Introduced by:</b>		<b>Prepared by:</b>	Kyle Evans Staff Attorney
<b>Analysis of:</b>	S.L. 2019-127		

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**OVERVIEW:** *S.L. 2019-127 requires expansion of a metropolitan sewerage district in certain limited circumstances and upon the Environmental Management Commission finding that the inclusion of the new territory would not adversely affect customer service in the district and would preserve and promote the public health and welfare of the district; and directs the Department of Agriculture and Consumer Services to study wildlife enhancement, invasive species control, and native habitat restoration on properties managed by the State.*

*This act became effective July 19, 2019.*

**CURRENT LAW:** Chapter 162A governs water and sewer systems, and in particular metropolitan sewerage districts (MSD). A MSD may be created upon request to the governing body of each political subdivision or upon petition of at least 51% of the qualified voters residing in any unincorporated area, and approval of the Environmental Management Commission (EMC). Once approved, a district board is appointed.

Once established, a MSD may expand its territory upon receiving a resolution from a political subdivision or petition of at least 51% of the qualified voters residing in any unincorporated area requesting to be included. If the district board favors the inclusion of the territory in the district, the district board then files a report with the EMC, who in turn determines if the request would preserve and promote the public health and welfare and may include the new area in the district. Alternatively, the qualified registered voters of the district may request an election to determine the question of expansion.

If the MSD is expanded, appointments to the district board are to be made by the additional political subdivisions, in accordance with G.S. 162A-68(i), which requires that when the territory of the district is expanding into new territory, any county without representation on the district board must be represented by three additional members. The new members must be qualified voters residing within the new territory, and are appointed by the county board of commissioners governing the new territory.

## **BILL ANALYSIS:**

**Section 1** requires the inclusion of new territory in the district, if so requested by a county not currently in the district subject to approval by the EMC. The EMC is required to hold a public hearing, after receiving certain information from the district board and the requesting county. If, after the public hearing, the EMC determines that the inclusion of the territory would not adversely affect customer service in the district and would preserve and promote the public health and welfare of the district, the EMC is required to adopt a resolution expanding the district to include the requesting territory in the district. Upon expansion, the district board would be increased by two board members. The two new board members

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must be qualified voters residing within the new territory, and are appointed by the county board of commissioners governing the new territory. Also upon expansion, the territory added to the district would be responsible for any outstanding debt of the district.

**Section 2** directs the Department of Agriculture and Consumer Services' Plant Industry Division (Division) to study and report on wildlife enhancement, invasive species control, and native habitat restoration on properties managed by the State. The Division must include the following in its study and report:

- The amount of funds dedicated to habitat management for wildlife enhancement by each State agency land manager.
- The potential need for additional funding or positions necessary to support wildlife enhancement.
- Identification of existing federal funding sources for wildlife enhancement on State-managed lands.

The Division must report its findings to the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal Research Division no later than April 1, 2020.

**EFFECTIVE DATE:** This act became effective July 19, 2019.

*Erika Churchill, Staff Attorney, contributed significantly to this summary.*