

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 102

Short Title: Public Infrastructure Oversight Commission. (Public)

Sponsors: Senators Hartsell (Primary Sponsor); Clark, D. Davis, and Meredith.

Referred to: Rules and Operations of the Senate.

February 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE JOINT LEGISLATIVE PUBLIC INFRASTRUCTURE
3 OVERSIGHT COMMISSION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 120 of the General Statutes is amended by adding the
6 following new Article:

7 "Article 12Q.

8 "Joint Legislative Public Infrastructure Oversight Commission.

9 **"§ 120-70.150. Creation and membership of Joint Legislative Public Infrastructure**
10 **Oversight Commission.**

11 (a) Creation and Membership. – The Joint Legislative Public Infrastructure Oversight
12 Commission is established. The Commission consists of 24 members. Public members must be
13 residents of this State. The cochairs of the Commission may call upon other knowledgeable
14 persons or experts to assist the Commission in its work. The membership is as follows:

15 (1) Five members appointed by the President Pro Tempore of the Senate as
16 follows:

17 a. Three Senate members, one of whom shall be designated as a
18 cochair.

19 b. Two public members, one of whom is an engineer and one of whom
20 is a planning professional.

21 (2) Five members appointed by the Speaker of the House of Representatives as
22 follows:

23 a. Three House members, one of whom shall be designated as a
24 cochair.

25 b. Two public members, one of whom is a general contractor and one of
26 whom has expertise in public finance.

27 (3) Three public members appointed by the Governor, one of whom has
28 expertise in environmental issues, one person who represents business
29 interests, and one of whom has expertise in public infrastructure issues.

30 (4) The Secretary of Commerce or a Department of Commerce employee
31 designated by the Secretary who is familiar with the State and local
32 programs that fund public infrastructure improvements.

33 (5) The Secretary of Transportation or a Department of Transportation
34 employee designated by the Secretary who is familiar with State and local
35 programs that fund transportation infrastructure improvements.



- 1 (6) The Secretary of Environment and Natural Resources or a Department of
2 Environment and Natural Resources employee designated by the Secretary
3 who is familiar with financing, regulatory, and technical assistance programs
4 of the Department related to water and sewer infrastructure.
- 5 (7) The Secretary of the Department of Administration or a Department of
6 Administration employee who is familiar with the State's public
7 infrastructure needs.
- 8 (8) The President of the Rural Economic Development Center or a Rural Center
9 employee designated by the President who is familiar with public
10 infrastructure financing programs of the Rural Center.
- 11 (9) The Director of the Local Government Commission or an employee of the
12 State Treasurer's Office designated by the Director who is familiar with the
13 functions of the Commission.
- 14 (10) A School of Government faculty member who is familiar with public
15 infrastructure and the various methods of financing of public infrastructure
16 projects.
- 17 (11) The Executive Director of the League of Municipalities or a League
18 employee designated by the Executive Director who is familiar with the
19 League's programs.
- 20 (12) The Executive Director of the North Carolina Association of County
21 Commissioners or an Association employee designated by the Executive
22 Director who is familiar with the Association's programs.
- 23 (13) The Director of the School Boards Association or an Association employee
24 who is familiar with the State's public school capital facilities needs and
25 funding mechanisms for public school construction.
- 26 (14) The Director of NC Broadband within the Department of Commerce or the
27 Director's designee.

28 (b) Terms. – The members appointed by the President Pro Tempore of the Senate and
29 the Speaker of the House of Representatives, including the cochairs, serve two-year terms and
30 begin on the convening of the General Assembly in each odd-numbered year, except the terms
31 of the initial members, which begin on appointment and end on the day of the convening of the
32 2015 General Assembly. Members may complete a term of service on the Commission even if
33 they do not seek reelection or are not reelected to the General Assembly, but resignation or
34 removal from service in the General Assembly constitutes resignation or removal from service
35 on the Commission. The members who are ex officio members, or designees of those members,
36 serve until they are no longer in office or are replaced with another designee. All other
37 members serve two-year terms. Members may be removed in accordance with G.S. 143B-13 as
38 if that section applies to this Article.

39 (c) Chair. – The President Pro Tempore of the Senate and the Speaker of the House of
40 Representatives shall each designate a cochair, who shall be a member of the General
41 Assembly.

42 (d) Meetings. – The Commission must meet at least quarterly, beginning October 1,
43 2012, and may meet as often as needed upon joint call of the cochairs. A majority of the
44 members of the Commission constitutes a quorum. The Commission may meet in the
45 Legislative Building or the Legislative Office Building. The Commission may contract for
46 professional, clerical, or consultant services as provided by G.S. 120-32.02. The Legislative
47 Services Commission, through the Legislative Services Officer, shall assign professional staff
48 to assist the Commission in its work. The House of Representatives' and Senate's Directors of
49 Legislative Assistants shall assign clerical staff to the Commission, and the expenses relating to
50 the clerical employees shall be borne by the Commission. Members of the Commission shall

1 receive subsistence and travel expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as
2 appropriate.

3 (e) Vacancies. – A vacancy in the Commission or as chair of the Commission resulting
4 from the resignation of a member or otherwise is filled in the same manner in which the
5 original appointment was made. The term of an appointment to fill a vacancy is for the balance
6 of the unexpired term.

7 (f) Compensation. – The Commission members receive no salary or other
8 compensation for serving on the Commission.

9 **"§ 120-70.151. Purpose and powers of Commission; reports.**

10 (a) Findings. – The economic well-being and the physical security of the citizens and
11 businesses of this State depend on safe, reliable, and efficient public infrastructure. Roads,
12 airports, railways, ports, and other public investments are instrumental in boosting North
13 Carolina's productivity and global economic competitiveness. Facilities that manage water,
14 waste, and energy are fundamental in sustaining quality of life and health. Adequate public
15 infrastructure also serves as an equalizer between the rural and urban areas of the State by
16 facilitating access. The General Assembly recognizes that there are critical needs in this State
17 to develop, improve, maintain, and fund various types of public infrastructure at both the State
18 and local levels, including, but not limited to, transportation projects, water and sewer projects,
19 public school construction, and broadband services, in order to secure and enhance the
20 economic well-being of North Carolinians, to promote economic development in the State, and
21 to provide a healthy climate for the creation of jobs. The General Assembly finds that the State
22 lacks a comprehensive policy structure and sufficient funding sources to guide the State's
23 decisions about undertaking and investing in projects. The General Assembly further
24 recognizes that a variety of entities study, evaluate, and monitor the different public
25 infrastructure needs, but no single entity exists to serve as a repository for the studies and
26 assessments, to evaluate, prioritize, and monitor the meeting of those needs, and to develop a
27 comprehensive statewide policy and goals for the development and financing of public
28 infrastructure.

29 (b) Purpose and Powers. – The Joint Legislative Public Infrastructure Oversight
30 Commission shall examine, on a continuing basis, public infrastructure issues in North Carolina
31 in order to make ongoing recommendations to the General Assembly on ways to promote
32 comprehensive and coordinated local, regional, and State planning and investment in public
33 infrastructure. The purpose of this Commission is to inventory the assessments conducted by
34 State agencies, local governments, and other entities, to develop a comprehensive statewide
35 policy that includes both short-term and long-term solutions for meeting critical infrastructure
36 needs, and to identify dedicated sources of funding and methods to leverage private capital,
37 including the creation of an infrastructure bank, to finance those needs. While in the discharge
38 of its official duties, the Commission has the powers of a joint Commission under G.S. 120-19
39 and G.S. 120-19.1 through G.S. 120-19.4. In its examination, the Commission may do any of
40 the following:

41 (1) Collect and analyze data, studies, or assessments of public infrastructure
42 deficits in this State, including deficits in the areas of transportation, water
43 and sewer, public school construction, and broadband services. The data
44 may include proposals by other entities, such as the Department of
45 Transportation, the Department of Public Instruction, the Department of
46 Commerce, the Rural Center, and the Program Evaluation Division of the
47 General Assembly, for addressing these deficits.

48 (2) Inventory existing funding sources and study ways to leverage private sector
49 capital, including the creation of an infrastructure bank and the use of user
50 fees.

- 1 (3) Analyze legislation from other states regarding the financing of public
2 infrastructure projects.
- 3 (4) Identify areas in which local governments may require additional assistance
4 in undertaking public infrastructure projects, such as staffing, training,
5 financing expertise, project review, or service delivery.
- 6 (5) Develop a comprehensive statewide public infrastructure policy for the
7 development, enhancement, evaluation, prioritization, and financing of
8 public infrastructure projects. The policy shall include performance
9 measures that can be used to determine whether the outcomes are achieving
10 the policy goals. The policy shall address efficiencies and demand
11 management by taking into consideration whether more assistance should be
12 given to initiatives, programs, or projects that reduce the long-term cost of
13 public infrastructure, create more sustainable resources, or take advantage of
14 economies of scale.
- 15 (6) Periodically review each funding source for consistency with, and
16 adjustment to, the comprehensive statewide policy.
- 17 (7) Study any other matters that the Commission considers necessary to fulfill
18 its mandate.
- 19 (c) Reports. – The Commission shall report annually by April 1 to the Chairs of the
20 House of Representatives and Senate Appropriations, House of Representatives and Senate
21 Finance Committees, and to the Governor. A report may contain any legislation needed to
22 implement a recommendation of the Commission."

23 **SECTION 2.** This act is effective when it becomes law.