

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 1145

Short Title: Public Infrastructure Oversight Commission. (Public)

Sponsors: Representatives Ross, Owens, Carney, and Tolson (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Appropriations.

May 25, 2012

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 the E-NC Authority within the Department of Commerce or  
27          the 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 and 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.** There is appropriated from the General Fund the sum of one hundred  
24 thousand dollars (\$100,000) for the 2012-2013 fiscal year to fund the Joint Legislative Public  
25 Infrastructure Commission established by this act.

26                **SECTION 3.** This act is effective when it becomes law.