

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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BILL DRAFT 2007-SBz-34 [v.9] (05/14)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)  
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Short Title: Revise River Basin Advisory Commission.

(Public)

Sponsors: .

Referred to:

A BILL TO BE ENTITLED  
AN ACT TO SIMPLIFY THE PROCESS BY WHICH THE NORTH CAROLINA  
MEMBERS OF THE ROANOKE RIVER BASIN ADVISORY COMMISSION  
ARE APPOINTED, AS RECOMMENDED BY THE ENVIRONMENTAL  
REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 7 of Chapter 77 of the General Statutes is repealed.

**SECTION 2.** The title of Article 8 of Chapter 77 of the General Statutes  
reads as rewritten:

"Article 8.

"River Basins Advisory Commissions.

"Part 1. North Carolina/South Carolina River Basin Advisory Commissions."

**SECTION 3.** G.S. 77-110 reads as rewritten:

**"§ 77-110. Definitions.**

The following definitions apply in this ~~Article~~Part:

..."

**SECTION 4.** G.S. 77-111 reads as rewritten:

**"§ 77-111. Commissions established; purposes.**

There is established the Catawba/Wateree River Basin Advisory Commission and  
the Yadkin/Pee Dee River Basin Advisory Commission. The commissions shall be  
constituted as described in this ~~Article~~Part and there shall be a separate commission for  
each river basin. The commissions shall be permanent bodies composed of members  
from the State of North Carolina and the State of South Carolina. The purpose of each  
commission shall be to:

..."

**SECTION 5.** G.S. 77-118 reads as rewritten:

**"§ 77-118. Termination.**

1 The General Assembly of North Carolina may terminate the commissions by  
2 repealing this ~~Article~~~~Part~~. The commissions shall terminate if the General Assembly of  
3 South Carolina repeals the provisions of the South Carolina Code of Laws that are  
4 comparable to this ~~Article~~~~Part~~."

5 **SECTION 6.** Article 8 of Chapter 77 of the General Statutes is amended by  
6 adding a new Part to read:

7 "Part 2. North Carolina/Virginia River Basin Advisory Commission.

8 "**§ 77-120. Definitions.**

9 The following definitions apply in this Part:

- 10 (1) "Commission" means the Roanoke River Basin Advisory Commission.  
11 (2) "River basin" or "river basins" means that land area designated as the  
12 Roanoke River Basin by the North Carolina Department of  
13 Environment and Natural Resources pursuant to G.S. 143-215.8B and  
14 the Virginia State Water Control Board pursuant to Code of Virginia  
15 §62.1-44.38.

16 "**§ 77-121. Commission established; purposes.**

17 There is established the Roanoke River Basin Advisory Commission. The  
18 commission shall be constituted as described in this Part. The commission shall be a  
19 permanent body composed of members from the State of North Carolina and the  
20 Commonwealth of Virginia. The purpose of the commission shall be to:

- 21 (1) Provide guidance and make recommendations to local, state, and  
22 federal legislative and administrative bodies, and to others as it  
23 considers necessary and appropriate, for the use, stewardship, and  
24 enhancement of the water, and other natural resources, for all citizens  
25 within the river basins.  
26 (2) Provide a forum for discussion of issues affecting the river basin's  
27 water quantity and water quality, and issues affecting other natural  
28 resources.  
29 (3) Promote communication, coordination, and education among  
30 stakeholders within the river basin.  
31 (4) Identify problems and recommend appropriate solutions.  
32 (5) Undertake studies related to water quantity, water quality, and other  
33 natural resources in the river basin based on existing data available  
34 from agencies located in either state.  
35 (6) Determine the optimum approach to comprehensively and  
36 collaboratively provide recommendations for integrated river  
37 management including, but not limited to, the total assimilative  
38 capacity of the river basin.

39 "**§ 77-122. Powers and duties.**

40 (a) The authority granted to the commission shall be advisory in nature and in no  
41 way shall the commission be construed to have any regulatory authority.

42 (b) The commission shall not have any authority to obligate or otherwise bind the  
43 State of North Carolina, the Commonwealth of Virginia, or any agency or subdivision  
44 of either state.

1       (c)    To achieve its purposes, the commission shall have all of the following  
2 powers and duties:

- 3           (1)    To develop rules and procedures for the conduct of its business or as  
4                may be necessary to perform its duties and carry out its objectives  
5                including, but not limited to, calling meetings and establishing voting  
6                procedures. Rules and procedures developed pursuant to this item shall  
7                be effective upon an affirmative vote by a majority of the commission  
8                members.
- 9           (2)    To establish standing and ad hoc committees, which shall be  
10               constituted in a manner to ensure a balance between recognized  
11               interests and states. The commission shall determine the purpose of  
12               each standing or ad hoc committee.
- 13           (3)    To seek, apply for, accept, and expend gifts, grants, donations,  
14               services, and other aid from public or private sources. The commission  
15               may accept or expend funds only after an affirmative vote by a  
16               majority of the members of the commission.
- 17           (4)    To exercise the powers of a body corporate, including the power to sue  
18               and be sued, and adopt and use a common seal and alter the same.
- 19           (5)    To enter into contracts and execute all instruments necessary or  
20               appropriate to achieve the purposes of the commission.
- 21           (6)    To designate a fiscal agent.
- 22           (7)    To perform any lawful acts necessary or appropriate to achieve the  
23               purposes of the commission.

24   **"§ 77-123. Membership; terms of office; eligibility for appointment; meetings.**

25       (a)    The Roanoke River Basin Advisory Commission shall be composed of 15  
26 members as follows:

- 27           (1)    Two members of the North Carolina House of Representatives whose  
28               districts include a part of the North Carolina portion of the river basin,  
29               to be appointed by the Speaker of the North Carolina House of  
30               Representatives.
- 31           (2)    Two members of the North Carolina Senate whose districts include a  
32               part of the North Carolina portion of the river basin, to be appointed by  
33               the President Pro Tempore of the North Carolina Senate.
- 34           (3)    Two members of the Virginia House of Delegates whose districts  
35               include a part of the Virginia portion of the river basin, to be appointed  
36               by the Speaker of the Virginia House of Delegates.
- 37           (4)    Two members of the Virginia Senate whose districts include a part of  
38               the Virginia portion of the river basin, to be appointed by the President  
39               of the Virginia Senate.
- 40           (5)    One person from North Carolina representing a water or sewer  
41               municipal utility, appointed by the Governor of North Carolina.
- 42           (6)    One person from Virginia representing a water or sewer municipal  
43               utility, appointed by the Governor of Virginia.

(7) One person from North Carolina representing the agricultural community, appointed by the Governor of North Carolina.

(8) One person from Virginia representing the agricultural community, appointed by the Governor of Virginia.

(9) One person from North Carolina representing a nonprofit land conservation trust operating within the North Carolina portion of the river basin, appointed by the Governor of North Carolina.

(10) One person from Virginia representing a nonprofit land conservation trust operating within the Virginia portion of the river basin, appointed by the Governor of Virginia.

(11) The President of Progress Energy or the President's designee.

(b) Each member appointed to the commission pursuant to subdivisions (1) and (2) of subsection (a) of this section shall serve at the pleasure of the appointing authority so long as the member remains a Representative or Senator. Each member appointed to the commission pursuant to subdivisions (3) and (4) of subsection (a) of this section shall serve as provided by the General Assembly of Virginia. Each member appointed to the commission pursuant to subdivision (11) of subsection (a) of this section shall serve for so long as the member continues in the qualifying position or, if the member is a designee, at the pleasure of the designating authority. Each member appointed to the commission pursuant to subdivisions (5), (7), and (9) of subsection (a) of this section shall serve a term of two years and may be reappointed to serve no more than three consecutive full terms or 84 consecutive months, whichever is greater. The term of a person appointed to the commission pursuant to subdivision (5) of subsection (a) of this section shall expire on 1 January of years evenly divisible by three. The term of a person appointed to the commission pursuant to subdivision (7) of subsection (a) of this section shall expire on 1 January of years that precede by one year those years evenly divisible by three. The term of a person appointed to the commission pursuant to subdivision (9) of subsection (a) of this section shall expire on 1 January of years that follow by one year those years that are evenly divisible by three. The term of a member who is appointed to the commission pursuant to subdivision (6), (8), or (10) of subsection (a) of this section shall serve as provided by the General Assembly of Virginia. An appointment to fill a vacancy on the commission shall be for the unexpired portion of the term. A vacancy on the commission shall be filled in the same manner as the original appointment. Members of the commission who are appointed from or reside in North Carolina may be removed by the Governor of North Carolina for misfeasance, malfeasance, or nonfeasance, as provided in G.S. 143B-13.

(c) The legislative members of the commission may appoint additional members to the commission to serve as advisory members as the legislative members consider necessary.

(d) The members of the commission shall elect a Chair, Vice-Chair, and any other officers they consider necessary and shall determine the length of the term of office, not to exceed two years, of each officer. The Chair and the Vice-Chair shall not be from the same state and the Chair shall be rotated between the State of North Carolina and the Commonwealth of Virginia.

1       (e)     The commission shall meet upon the call of the Chair. A majority of the  
2 commission shall constitute a quorum for the transaction of business.

3       (f)     The legislative members of the commission from each state may meet  
4 separately to discuss river basin-related issues affecting their state and may report their  
5 findings independently of the commission.

6     **"§ 77-124. Staffing; meeting facilities; assistance by agencies.**

7       (a)     The North Carolina Department of Environment and Natural Resources and  
8 the Virginia Department of Environmental Quality shall provide staff support and  
9 facilities to the commission within the existing programs of the respective agencies.  
10 Additional staff may be hired or contracted by the commission through funds raised by  
11 or provided to it. The duties and compensation of any additional staff shall be  
12 determined and fixed by the commission, within available resources.

13       (b)     All agencies of the State of North Carolina and the Commonwealth of  
14 Virginia shall cooperate with the commission and, upon request, shall assist the  
15 commission in fulfilling its responsibilities. The North Carolina Secretary of  
16 Environment and Natural Resources and the Virginia Secretary of Natural Resources or  
17 their designees shall each serve as the liaison between their respective state agencies  
18 and the commission.

19       (c)     The commission may obtain information and data upon request from all state  
20 officers, agents, agencies, and departments of the State of North Carolina and the  
21 Commonwealth of Virginia while in discharge of their duties.

22     **"§ 77-125. Funding.**

23       (a)     The commission shall annually adopt a budget that shall include the estimated  
24 income and expenses of the commission. Funding for the commission shall be shared  
25 and apportioned between the State of North Carolina and the Commonwealth of  
26 Virginia as each state may provide through its regular appropriations process.

27       (b)     The accounts and records of the commission showing the receipt and  
28 disbursement of funds from whatever source derived shall be in the form that the  
29 Auditor of North Carolina and the Virginia Auditor of Public Accounts prescribe. The  
30 accounts and records of the commission shall be subject to an annual audit by the  
31 Auditor of North Carolina and the Virginia Auditor of Public Accounts or their legal  
32 representatives. The cost of the annual audits shall be borne by the commission. The  
33 results of the audits shall be delivered to the Joint Legislative Commission on  
34 Governmental Operations of the General Assembly of North Carolina and to the  
35 General Assembly of Virginia as the General Assembly of Virginia shall provide.

36     **"§ 77-126. Compensation and expenses of members of the commission.**

37       (a)     Members of the commission who are appointed from or reside in North  
38 Carolina shall receive no salary for their service on the commission but may be paid,  
39 within available resources, per diem, subsistence, and travel expenses as follows:

40           (1)     Members of the commission who are members of the General  
41 Assembly at the rate established in G.S. 120-3.1.

42           (2)     Members of the commission who are officials or employees of the  
43 State or of local government agencies at the rate established in  
44 G.S. 138-6.

(3) All other members of the commission at the rate established in G.S. 138-5.

(b) Members of the commission who are appointed from or reside in Virginia shall be compensated as provided by the General Assembly of Virginia.

(c) All expenses shall be paid from funds appropriated or otherwise available to the commission.

**"§ 77-127. Annual report.**

The commission shall submit an annual report, including any recommendations, on or before 1 October of each year to the Governor of North Carolina, the Environmental Review Commission of the General Assembly of North Carolina, the Governor of Virginia, and the General Assembly of Virginia, as the Governor, the General Assembly of Virginia, or the Virginia Secretary of Natural Resources shall provide.

**"§ 77-128. Termination.**

The General Assembly of North Carolina may terminate the commission by repealing this Part. The commission shall terminate if the General Assembly of Virginia repeals the provisions of the Code of Virginia that are comparable to this Part."

**SECTION 7.** Notwithstanding the provisions of G.S. 77-123(b), as enacted by Section 6 of this act, the initial term of the member of the Roanoke River Basin Advisory Commission appointed pursuant to subdivision (5) of subsection (a) of G.S. 77-123 shall expire 1 January 2010. Notwithstanding the provisions of G.S. 77-123(b), as enacted by Section 6 of this act, the initial term of the member of the Roanoke River Basin Advisory Commission appointed pursuant to subdivision (7) of subsection (a) of G.S. 77-123 shall expire 1 January 2012. Notwithstanding the provisions of G.S. 77-123(b), as enacted by Section 6 of this act, the initial term of the member of the Roanoke River Basin Advisory Commission appointed pursuant to subdivision (9) of subsection (a) of G.S. 77-123 shall expire 1 January 2011.

**SECTION 8.** The Roanoke River Basin Advisory Commission shall submit the first report pursuant to G.S. 77-127, as enacted by Section 6 of this act, on or before 1 October 2009.

**SECTION 9.** This act shall not be construed to obligate the General Assembly of North Carolina or the General Assembly of Virginia to appropriate any funds to implement the provisions of this act.

**SECTION 10.** This act is effective when it becomes law.