

Article 8.

River Basins Advisory Commissions.

§ 77-110. Definitions.

The following definitions apply in this Article:

- (1) "Commission" or "commissions" means (i) the Catawba/Wateree River Basin Advisory Commission, (ii) the Yadkin/Pee Dee River Basin Advisory Commission, or (iii) both commissions, as required by the context.
- (2) "River basin" or "river basins" means (i) that land area designated as the Catawba River Basin pursuant to G.S. 143-215.22G and that land area designated as the Catawba/Wateree River Basin by the South Carolina Department of Health and Environmental Control, (ii) that land area designated as the Yadkin (Yadkin-Pee Dee) River Basin pursuant to G.S. 143-215.22G and that land area designated as the Yadkin/Pee Dee River Basin by the South Carolina Department of Health and Environmental Control, or (iii) both river basins, as required by the context. (2004-83, s. 1.)

§ 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 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:

- (1) Provide guidance and make recommendations to local, state, and federal legislative and administrative bodies, and to others as it considers necessary and appropriate, for the use, stewardship, and enhancement of the water, and other natural resources, for all citizens within the river basins.
- (2) Provide a forum for discussion of issues affecting the river basin's water quantity and water quality, and issues affecting other natural resources.
- (3) Promote communication, coordination, and education among stakeholders within the river basins.
- (4) Identify problems and recommend appropriate solutions.
- (5) Undertake studies related to water quantity, water quality, and other natural resources in the river basin based on existing data available from agencies located in either state.
- (6) Determine the optimum approach to comprehensively and collaboratively provide recommendations for integrated river management including, but not limited to, the total assimilative capacity of the river basin. (2004-83, s. 1.)

§ 77-112. Powers and duties.

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

(b) Neither commission shall have any authority to obligate or otherwise bind the State of North Carolina, the State of South Carolina, or any agency or subdivision of either state.

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

- (1) To develop rules and procedures for the conduct of its business or as may be necessary to perform its duties and carry out its objectives including, but not limited to, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this item shall be effective upon an affirmative vote by a majority of the commission members.

- 1 (2) To establish standing and ad hoc committees, which shall be constituted in a
2 manner to ensure a balance between recognized interests and states. The
3 commissions shall determine the purpose of each standing or ad hoc
4 committee.
- 5 (3) To seek, apply for, accept, and expend gifts, grants, donations, services, and
6 other aid from public or private sources. The commissions may accept or
7 expend funds only after an affirmative vote by a majority of the members of
8 the commissions.
- 9 (4) To exercise the powers of a body corporate, including the power to sue and
10 be sued, and adopt and use a common seal and alter the same.
- 11 (5) To enter into contracts and execute all instruments necessary or appropriate
12 to achieve the purposes of the commissions.
- 13 (6) To designate a fiscal agent.
- 14 (7) To perform any lawful acts necessary or appropriate to achieve the purposes
15 of the commissions. (2004-83, s. 1.)
16

17 **§ 77-113. Membership; terms of office; eligibility for appointment; meetings.**

18 (a) The Catawba/Wateree River Basin Advisory Commission shall be composed of 15
19 members as follows:

- 20 (1) Two members of the North Carolina House of Representatives whose
21 districts include a part of the North Carolina portion of the river basin, to be
22 appointed by the Speaker of the North Carolina House of Representatives.
- 23 (2) Two members of the North Carolina Senate whose districts include a part of
24 the North Carolina portion of the river basin, to be appointed by the
25 President Pro Tempore of the North Carolina Senate.
- 26 (3) Two members of the South Carolina House of Representatives, to be
27 appointed by the Speaker of the South Carolina House of Representatives.
- 28 (4) Two members of the South Carolina Senate, to be appointed by the President
29 Pro Tempore of the South Carolina Senate.
- 30 (5) One person from South Carolina representing a water or sewer municipal
31 utility to be appointed by the South Carolina legislative members of the
32 Commission.
- 33 (6) One person from a nonprofit land conservation trust operating within the
34 North Carolina portion of the river basin, appointed by the Governor of
35 North Carolina.
- 36 (7) The President of Duke Power or the President's designee.
- 37 (8) The Chair of the Bi-State Catawba River Task Force or the Chair's designee.
- 38 (9) The Chief Executive Officer of Carolina's Partnership, Inc., or the Chief
39 Executive Officer's designee.
- 40 (10) One person to represent the following commissions, appointed jointly by the
41 three chief executive officers of the commissions: the Lake Wylie Marine
42 Commission established pursuant to Article 4 of Chapter 77 of the General
43 Statutes, the Mountain Island Lake Marine Commission established pursuant
44 to Article 6 of Chapter 77 of the General Statutes, and the Lake Norman
45 Marine Commission established pursuant to Chapter 1089 of the 1969
46 Session Laws.
- 47 (11) One member of a lake homeowner's association located on the
48 Catawba/Wateree River whose members reside in South Carolina, to be
49 appointed by the President Pro Tempore of the South Carolina Senate.

50 (b) The Yadkin/Pee Dee River Basin Advisory Commission shall be composed of 15
51 members as follows:

- 1 (1) Two members of the North Carolina House of Representatives whose
2 districts include a part of the North Carolina portion of the river basin, to be
3 appointed by the Speaker of the North Carolina House of Representatives.
- 4 (2) Two members of the North Carolina Senate whose districts include a part of
5 the North Carolina portion of the river basin, to be appointed by the
6 President Pro Tempore of the North Carolina Senate.
- 7 (3) Two members of the South Carolina House of Representatives, to be
8 appointed by the Speaker of the South Carolina House of Representatives.
- 9 (4) Two members of the South Carolina Senate, to be appointed by the President
10 Pro Tempore of the South Carolina Senate.
- 11 (5) One person from South Carolina representing a water or sewer municipal
12 utility to be appointed by the South Carolina legislative members of the
13 Commission.
- 14 (6) One person from South Carolina representing the agricultural community to
15 be appointed by the South Carolina legislative members of the Commission.
- 16 (7) One person from a water or sewer municipal utility, appointed by the
17 Governor of North Carolina.
- 18 (8) The President of Progress Energy or the President's designee.
- 19 (9) The President of Alcoa Power Generating, Inc., (APGI) or the President's
20 designee.
- 21 (10) The President of Weyerhaeuser or the President's designee.
- 22 (11) A representative of the land development industry, whose organization does
23 business within the Yadkin/Pee Dee River Basin and who shall be appointed
24 by the Chair of the Commission.

25 (c) Each member appointed to the commissions pursuant to subdivisions (1) and (2) of
26 subsections (a) and (b) of this section shall serve at the pleasure of the appointing authority so
27 long as the member remains a Representative or Senator. Each member appointed to the
28 commissions pursuant to subdivisions (3) and (4) of subsections (a) and (b) of this section shall
29 serve as provided by the General Assembly of South Carolina. Each member appointed to the
30 commissions pursuant to subdivisions (7) through (9) of subsection (a) and subdivisions (8)
31 through (10) of subsection (b) of this section shall serve for so long as the member continues in
32 the qualifying position or, if the member is a designee, at the pleasure of the designating
33 authority. Each member appointed to the commissions pursuant to subdivisions (6) and (10) of
34 subsection (a) and subdivisions (7) and (11) of subsection (b) of this section shall serve a term
35 of two years and may be reappointed to serve no more than three consecutive full terms or 84
36 consecutive months, whichever is greater. The term of a person appointed to the commission
37 pursuant to subdivision (10) of subsection (a) of this section shall expire on 1 January of
38 even-numbered years. The term of a person appointed to the commission pursuant to
39 subdivision (6) of subsection (a) of this section shall expire on 1 January of odd-numbered
40 years. The term of a member who is appointed to the commissions pursuant to subdivisions (5)
41 and (11) of subsection (a) and subdivisions (5) and (6) of subsection (b) of this section shall
42 serve as provided by the General Assembly of South Carolina. An appointment to fill a vacancy
43 on the commissions shall be for the unexpired portion of the term. A vacancy on the
44 commissions shall be filled in the same manner as the original appointment. Members of the
45 commissions who are appointed from or reside in North Carolina may be removed by the
46 Governor of North Carolina for misfeasance, malfeasance, or nonfeasance, as provided in G.S.
47 143B-13.

48 (d) The legislative members of each commission may appoint additional members to
49 the commission to serve as advisory members as the legislative members consider necessary.

50 (e) The members of each commission shall elect a Chair, Vice-Chair, and any other
51 officers they consider necessary and shall determine the length of the term of office, not to

1 exceed two years, of each officer. The Chair and the Vice-Chair shall not be from the same
2 state and the Chair shall be rotated between the State of North Carolina and the State of South
3 Carolina.

4 (f) Each commission shall meet upon the call of the Chair. A majority of each
5 commission shall constitute a quorum for the transaction of business.

6 (g) The legislative members of the commissions from each state may meet separately to
7 discuss river basin-related issues affecting their state and may report their findings
8 independently of the commissions. (2004-83, s. 1; 2005-37, s. 1.)
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10 **§ 77-114. Staffing; meeting facilities; assistance by agencies.**

11 (a) The North Carolina Department of Environment and Natural Resources and the
12 South Carolina Department of Health and Environmental Control shall provide staff support
13 and facilities to each commission within the existing programs of the respective agencies.
14 Additional staff may be hired or contracted by each commission through funds raised by or
15 provided to it. The duties and compensation of any additional staff shall be determined and
16 fixed by each commission, within available resources.

17 (b) All agencies of the State of North Carolina and the State of South Carolina shall
18 cooperate with the commissions and, upon request, shall assist each commission in fulfilling its
19 responsibilities. The North Carolina Secretary of Environment and Natural Resources and the
20 Commissioner of the South Carolina Department of Health and Environmental Control or their
21 designees shall each serve as the liaison between their respective state agencies and each
22 commission.

23 (c) The commissions may obtain information and data upon request from all state
24 officers, agents, agencies, and departments of the State of North Carolina and the State of South
25 Carolina while in discharge of their duties. (2004-83, s. 1.)
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27 **§ 77-115. Funding.**

28 (a) Each commission shall annually adopt a budget that shall include the estimated
29 income and expenses of each commission. Funding for the commissions shall be shared and
30 apportioned between the State of North Carolina and the State of South Carolina as each state
31 may provide through its regular appropriations process.

32 (b) The accounts and records of each commission showing the receipt and disbursement
33 of funds from whatever source derived shall be in the form that the Auditor of North Carolina
34 and the State Auditor of South Carolina prescribe. The accounts and records of each
35 commission shall be subject to an annual audit by the Auditor of North Carolina and the State
36 Auditor of South Carolina or their legal representatives. The cost of the annual audits shall be
37 borne by each commission. The results of the audits shall be delivered to the Joint Legislative
38 Commission on Governmental Operations of the General Assembly of North Carolina and to
39 the General Assembly of South Carolina as the General Assembly of South Carolina shall
40 provide. (2004-83, s. 1.)
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42 **§ 77-116. Compensation and expenses of members of the commissions.**

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

- 46 (1) Members of the commissions who are members of the General Assembly at
47 the rate established in G.S. 120-3.1.
- 48 (2) Members of the commissions who are officials or employees of the State or
49 of local government agencies at the rate established in G.S. 138-6.
- 50 (3) All other members of the commissions at the rate established in G.S. 138-5.

1 (b) Members of the commissions who are appointed from or reside in South Carolina
2 shall be compensated as provided by the General Assembly of South Carolina.

3 (c) All expenses shall be paid from funds appropriated or otherwise available to the
4 commissions. (2004-83, s. 1.)

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6 **§ 77-117. Annual report.**

7 The commissions shall submit annual reports, including any recommendations, on or before
8 1 October of each year to the Governor of North Carolina, the Environmental Review
9 Commission of the General Assembly of North Carolina, the Governor of South Carolina, and
10 the General Assembly of South Carolina, as the Governor, the General Assembly of South
11 Carolina, or the Commissioner of the South Carolina Department of Health and Environmental
12 Control shall provide. (2004-83, s. 1.)

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14 **§ 77-118. Termination.**

15 The General Assembly of North Carolina may terminate the commissions by repealing this
16 Article. The commissions shall terminate if the General Assembly of South Carolina repeals the
17 provisions of the South Carolina Code of Laws that are comparable to this Article. (2004-83, s.
18 1.)

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20 **§ 77-119. Reserved for future codification purposes.**

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22 **§ 77-120. Reserved for future codification purposes.**

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24 **§ 77-121. Reserved for future codification purposes.**

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26 **§ 77-122. Reserved for future codification purposes.**

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28 **§ 77-123. Reserved for future codification purposes.**

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30 **§ 77-124. Reserved for future codification purposes.**