

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 204
House Committee Substitute Favorable 9/25/02

Short Title: Roanoke River Basin Bi-State Commission.

(Public)

Sponsors:

Referred to:

February 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN BI-STATE
3 COMMISSION AND ROANOKE RIVER BASIN ADVISORY COMMITTEE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Chapter 77 of the General Statutes is amended by adding a
6 new Article to read:

7 "Article 7.

8 "Roanoke River Basin Bi-State Commission; Roanoke River Basin Advisory
9 Committee.

10 "Part 1. Roanoke River Basin Bi-State Commission.

11 "§ 77-90. Definitions.

12 The following definitions apply in this Article:

- 13 (1) 'Commission' means the Roanoke River Basin Bi-State Commission.
14 (2) 'Roanoke River Basin' or 'Basin' means that land area designated as the
15 Roanoke River Basin by the North Carolina Department of
16 Environment and Natural Resources pursuant to G.S. 143-215.8B and
17 the Virginia State Water Control Board pursuant to Code of Virginia §
18 62.1-44.38.

19 "§ 77-91. Commission established; purposes.

20 There is established the Roanoke River Basin Bi-State Commission. The
21 Commission shall be composed of members from the State of North Carolina and the
22 Commonwealth of Virginia. The purposes of the Commission shall be to:

- 23 (1) Provide guidance and make recommendations to local, state, and
24 federal legislative and administrative bodies, and to others as it deems
25 necessary and appropriate, for the use, stewardship, and enhancement
26 of the water, and other natural resources, for all citizens within the
27 Basin.
28 (2) Provide a forum for discussion of issues affecting the Basin's water
29 quantity and water quality and issues affecting other natural resources.

- 1 (3) Promote communication, coordination, and education among
2 stakeholders within the Basin.
3 (4) Identify problems and recommend appropriate solutions.
4 (5) Undertake studies and prepare, publish, and disseminate information
5 through reports, and in other forms, related to water quantity, water
6 quality, and other natural resources of the Basin.

7 **"§ 77-92. Membership; terms of office; eligibility for appointment.**

8 (a) The Roanoke River Basin Bi-State Commission shall consist of 18 members
9 with each state appointing nine members. The North Carolina delegation to the
10 Commission shall consist of the six members of the General Assembly of North
11 Carolina appointed to the North Carolina Roanoke River Basin Advisory Committee
12 and three nonlegislative members of the North Carolina Roanoke River Basin Advisory
13 Committee, established pursuant to G.S. 77-103, who represent different geographical
14 areas of the North Carolina portion of the Basin, to be appointed by the Governor of
15 North Carolina. The Virginia delegation to the Commission shall be appointed as
16 determined by the Commonwealth of Virginia.

17 (b) All members appointed to the Commission from the State of North Carolina
18 and the Commonwealth of Virginia shall reside within the Basin's watershed. Members
19 of the North Carolina House of Representatives, the North Carolina Senate, the Virginia
20 House of Delegates, the Virginia Senate, and federal legislators, who have not been
21 appointed to the Commission and whose districts include any portion of the Basin, may
22 serve as nonvoting ex officio members of the Commission.

23 (c) Except as provided in this subsection, members of the North Carolina
24 delegation to the Commission shall serve at the pleasure of the Governor of North
25 Carolina. The Governor of North Carolina may not remove a legislative member of the
26 North Carolina delegation to the Commission during the legislator's term of office,
27 except that the Governor may remove any member of the North Carolina delegation to
28 the Commission for misfeasance, malfeasance, or nonfeasance as provided in G.S.
29 143B-13. A legislative member of the North Carolina delegation to the Commission
30 who ceases to be a member of the General Assembly of North Carolina shall cease to be
31 a member of the Commission. The terms of members of the Virginia delegation to the
32 Commission shall be determined by the Commonwealth of Virginia.

33 (d) Each state's delegation to the Commission may meet separately to discuss
34 Basin-related issues affecting their state and may report their findings independently of
35 the Commission.

36 **"§ 77-93. Powers and duties.**

37 (a) The Commission shall have no regulatory authority.

38 (b) To perform its duties and objectives, the Commission shall have the
39 following powers:

- 40 (1) To develop rules and procedures for the conduct of its business or as
41 may be necessary to perform its duties and carry out its objectives,
42 including, but not limited to, selecting a chairman and vice-chairman,
43 rotating chairmanships, calling meetings, and establishing voting
44 procedures. Rules and procedures developed pursuant to this

1 subdivision shall be effective upon an affirmative vote by a majority of
2 the Commission members.

3 (2) To establish standing and ad hoc advisory committees pursuant to G.S.
4 77-94 in addition to the North Carolina Roanoke River Basin Advisory
5 Committee established pursuant to Part 2 of this Article and the
6 Virginia Roanoke River Basin Advisory Committee established
7 pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia, which
8 shall be constituted in a manner to ensure a balance between
9 recognized interests. The Commission shall determine the purpose of
10 each advisory committee.

11 (3) To seek, apply for, accept, and expend gifts, grants and donations,
12 services, and other aid from public or private sources. With the
13 exception of funds provided by the planning district commissions,
14 councils of governments, and commissions and funds appropriated by
15 the General Assemblies of Virginia and North Carolina, the
16 Commission may accept funds only after an affirmative vote by a
17 majority of the members of the Commission or by following any other
18 procedures that are established by the Commission for the conduct of
19 its business.

20 (4) To establish a nonprofit corporation to assist in the details of
21 administering its affairs and in raising funds.

22 (5) To enter into contracts and execute all instruments necessary or
23 appropriate.

24 (6) To perform any lawful acts necessary or appropriate for the
25 furtherance of its work.

26 **"§ 77-94. Standing and ad hoc committees.**

27 To facilitate communication among stakeholders in the Basin, and to maximize
28 participation by all interested parties, the Commission shall establish both standing and
29 ad hoc committees. The Commission shall appoint the members of the standing and ad
30 hoc committees in accordance with guidelines adopted by the Commission. The
31 standing committees shall include all of the following:

32 (1) Permit holders. – The Commission shall identify those entities that
33 hold permits issued by a federal, state, or local regulatory agency
34 pertaining to the water of the Basin. The entities may recommend
35 representatives to be appointed to the committees by the Commission.

36 (2) Roanoke River Basin interest groups. – The Commission shall identify
37 interest groups that may recommend representatives to be appointed to
38 the committees by the Commission.

39 (3) Public officials and governmental entities. – The committees shall be
40 composed of representatives of each county, city, and town located
41 completely or partially within the Basin. Also, other governmental
42 entities that the Commission deems appropriate may recommend one
43 member to be appointed to the committees by the Commission. The
44 committees may also include the United States Senators from North

1 Carolina and Virginia or their designees, and any member of the
2 United States House of Representatives or the Representative's
3 designee, whose district includes any portion of the Basin, if the
4 members elect to serve on the committees.

- 5 (4) Agriculture, forestry, and soil and water conservation districts. – The
6 Commission shall identify persons who represent agricultural and
7 forestry interests throughout the Basin and representatives from the
8 soil and water conservation districts within the Basin and shall appoint
9 representatives from these groups to the committees.

10 **"§ 77-95. Staffing and support.**

11 (a) The North Carolina Department of Environment and Natural Resources and
12 the Virginia Department of Environmental Quality shall provide staff support to the
13 Commission. Additional staff may be hired or contracted by the Commission through
14 funds raised by or provided to it. The duties and compensation of any additional staff
15 shall be determined and fixed by the Commission, within available resources.

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

22 **"§ 77-96. Funding.**

23 (a) The Commission shall annually adopt a budget that shall include the
24 Commission's estimated expenses. Funding for the Commission shall be shared and
25 apportioned between the State of North Carolina and the Commonwealth of Virginia.
26 The appropriation of public funds to the Commission shall be provided through each
27 state's regular process for appropriating public funds. The North Carolina councils of
28 governments and commissions named in G.S. 77-103(b)(5) shall bear a proportion of
29 North Carolina's share of the expenses, which may be in the form of in-kind
30 contributions.

31 (b) The Commission shall designate a fiscal agent.

32 (c) The accounts and records of the Commission showing the receipt and
33 disbursement of funds from whatever source derived shall be in the form that the North
34 Carolina Auditor and the Virginia Auditor of Public Accounts prescribe, provided that
35 the accounts shall correspond as nearly as possible to the accounts and records for such
36 matters maintained by similar enterprises. The accounts and records of the Commission
37 shall be subject to an annual audit by the North Carolina Auditor and the Virginia
38 Auditor of Public Accounts or their legal representatives, and the costs of the audit
39 services shall be borne by the Commission. The results of the audits shall be delivered
40 to the Joint Legislative Commission on Governmental Operations of the General
41 Assembly of North Carolina and as provided by the Commonwealth of Virginia.

42 **"§ 77-97. Compensation and expenses of Commission members.**

43 (a) The appointed members of the North Carolina delegation to the Commission
44 shall receive per diem, subsistence, and travel expenses as follows:

- 1 (1) Commission members who are members of the General Assembly at
2 the rate established in G.S. 120-3.1.
3 (2) Commission members who are officials or employees of the State or of
4 local government agencies at the rate established in G.S. 138-6.
5 (3) All other Commission members at the rate established in G.S. 138-5.
6 (b) The members of the Virginia delegation to the Commission shall receive
7 compensation as provided by the Commonwealth of Virginia.

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

10 **"§ 77-98. Annual report.**

11 The Commission shall submit an annual report, including any recommendations, to
12 the Governor of North Carolina, the Environmental Review Commission of the General
13 Assembly of North Carolina, the Governor of Virginia, and the General Assembly of
14 Virginia.

15 **"§ 77-99. Termination.**

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

19 "Part 2. Roanoke River Basin Advisory Committee.

20 **"§ 77-103. Committee established; membership; terms; vacancies.**

21 (a) The North Carolina Roanoke River Basin Advisory Committee is established
22 as an advisory committee to the North Carolina delegation to the Roanoke River Basin
23 Bi-State Commission. The purpose of the Advisory Committee is to assist the
24 delegation in achieving the purposes of the Commission as set out in G.S. 77-91 and in
25 fulfilling the powers and duties set out in G.S. 77-93.

26 (b) The Advisory Committee shall be composed of 21 members as follows:

- 27 (1) Three members of the House of Representatives whose districts
28 include a part of the North Carolina portion of the Basin, to be
29 appointed by the Speaker of the House of Representatives.
30 (2) Three members of the Senate whose districts include a part of the
31 North Carolina portion of the Basin, to be appointed by the President
32 Pro Tempore of the Senate.
33 (3) The member of the United States House of Representatives who
34 represents North Carolina Congressional District 1, if the
35 Representative elects to serve on the Advisory Committee, or that
36 Representative's designee.
37 (4) The member of the United States House of Representatives who
38 represents North Carolina Congressional District 13, if the
39 Representative elects to serve on the Advisory Committee, or that
40 Representative's designee.
41 (5) Twelve persons who reside within the North Carolina portion of the
42 Basin, who represent the diversity of interests in the Basin, and who
43 have demonstrated interest, experience, or expertise in water-related
44 Basin issues, appointed as provided in this subdivision. The chief

1 executive officer of each of the following councils and commissions
2 shall each appoint two persons, one of whom may be the chief
3 executive officer and at least one of whom shall reside in the area
4 served by the council or commission, as members of the Advisory
5 Committee:

- 6 a. Piedmont Triad Council of Governments.
7 b. Northwest Piedmont Council of Governments.
8 c. Kerr-Tar Regional Council of Governments.
9 d. Upper Coastal Plain Council of Governments.
10 e. Mid-East Commission.
11 f. Albemarle Economic Development Commission.

12 (6) The Secretary of Environment and Natural Resources or the
13 Secretary's designee.

14 (c) The terms of each member of the Advisory Committee appointed as provided
15 in subdivision (5) of subsection (b) of this section shall be two years. The term of one of
16 these members shall expire on 1 January of even-numbered years, and the term of the
17 other member shall expire on 1 January of odd-numbered years. A member who is
18 appointed pursuant to subdivision (5) of subsection (b) of this section who attends at
19 least one-half of the meetings of the Advisory Committee held during the member's
20 term may be reappointed to another term, but no member shall serve more than three
21 consecutive terms. The terms of all other members of the Advisory Committee shall
22 begin when the member is appointed and end when the member's term as
23 Representative, Senator, United States Representative, or Secretary ends. An
24 appointment to fill a vacancy on the Advisory Committee shall be for the unexpired
25 balance of the term. A vacancy on the Advisory Committee shall be filled in the same
26 manner as the original appointment.

27 **"§ 77-104. Cochairs; meetings.**

28 The Speaker of the House of Representatives and the President Pro Tempore of the
29 Senate shall each appoint one member of the Advisory Committee as Cochair. The
30 Advisory Committee shall meet upon the call of the Cochairs.

31 **"§ 77-105. Expenses of members.**

32 Members of the Advisory Committee shall receive no salary or per diem as a result
33 of service on the Advisory Committee but shall receive necessary subsistence and travel
34 expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as
35 applicable.

36 **"§ 77-106. Staffing; meeting facilities; assistance by agencies.**

37 The Department of Environment and Natural Resources shall provide staffing and
38 meeting facilities for the Advisory Committee. All agencies of the State shall cooperate
39 with the Advisory Committee and, upon request, shall assist the Advisory Committee in
40 fulfilling its responsibilities."

41 **SECTION 2.** In making initial appointments to the Roanoke River Basin
42 Advisory Committee pursuant to G.S. 77-103(b)(5), as enacted by Section 1 of this act,
43 the chief executive officer of each council and commission listed in G.S. 77-103(b)(5)
44 shall designate one member to serve a term that begins at the time of appointment and

1 expires on 1 January 2004 and another member to serve a term that begins at the time of
2 appointment and expires on 1 January 2005. Thereafter, all appointments shall be for
3 terms of two years and shall expire as provided in G.S. 77-103(c).

4 **SECTION 3.** This act becomes effective 1 October 2002.