

1 (6) " Mountain Island Lake" means the impounded body of water along the
2 Catawba River in the three counties extending from the Cowans Ford
3 Dam downstream to the Mountain Island Dam.

4 (7) " Shoreline area" means, except as modified by a joint resolution, the
5 area within the three counties lying within 1,000 feet of the full pond
6 elevation contour on Mountain Island Lake. In addition, the shoreline
7 area includes all islands within Mountain Island Lake and all peninsulas
8 extending into the waters of Mountain Island Lake.

9 (8) " Wildlife Commission" means the North Carolina Wildlife Resources
10 Commission.

11 Section 2. The three counties may by joint resolution create the Mountain
12 Island Lake Marine Commission. Upon its creation the Commission has the powers,
13 duties, and responsibilities conferred upon it by joint resolution, subject to the provisions
14 of this act. The provisions of any joint resolution may be modified, amended, or
15 rescinded by a subsequent joint resolution. A county may unilaterally withdraw from
16 participation as provided by any joint resolution or the provisions of this act, once the
17 Commission has been created, and any county may unilaterally withdraw from the
18 Commission at the end of any budget period upon 90 days prior written notice. Upon the
19 effectuation of the withdrawal, the Commission is dissolved, and all property of the
20 Commission must be distributed to or divided among the three counties and any other
21 public agency or agencies serving the Mountain Island Lake area in a manner considered
22 equitable by the Commission by resolution adopted by it prior to dissolution.

23 Section 3. Upon its creation, the Commission shall have a governing board of
24 seven. Except as otherwise provided for the initial appointees, each commissioner shall
25 serve a three-year term. Upon creation of the Commission, the Boards of Commissioners
26 of Gaston County and Mecklenburg County shall appoint three commissioners each, and
27 the Board of Commissioners of Lincoln County shall appoint one commissioner. Of the
28 initial appointees:

29 (1) One commissioner appointed by Gaston County and one member
30 appointed by Mecklenburg County shall serve one-year terms;

31 (2) One commissioner appointed by Gaston County and one member
32 appointed by Mecklenburg County shall serve two-year terms; and

33 (3) One member appointed by Gaston County, one member appointed by
34 Mecklenburg County, and the member appointed by Lincoln County
35 shall serve three-year terms.

36 Any commissioner who has served two consecutive terms, including any initial
37 term of less than three years, may not be reappointed to a third consecutive term. Such a
38 member may, however, be appointed to serve again after the expiration of the term of the
39 member's successor.

40 On the death of a commissioner, resignation, incapacity, or inability to serve,
41 as determined by the board appointing that commissioner, or removal of the
42 commissioner for cause, as determined by the board appointing that commissioner, the
43 board affected may appoint another commissioner to fill the unexpired term.

1 Section 4. The joint resolution of the three counties shall state the terms
2 relating to compensation to commissioners, if any, compensation of consultants and staff
3 members employed by the Commission, and reimbursement of expenses incurred by
4 commissioners, consultants, and employees. The Commission shall be governed by those
5 budgetary and accounting procedures specified by joint resolution.

6 Section 5. Upon creation of the Commission, its governing board shall meet at
7 a time and place agreed upon by the boards of the three counties concerned. The
8 commissioners shall elect a chairman and officers as they choose. All officers shall serve
9 one-year terms. The governing board shall adopt rules and regulations as it deems
10 necessary, not inconsistent with the provisions of this act or of any joint resolution, for
11 the proper discharge of its duties and for the governance of the Commission. In order to
12 conduct business, a quorum must be present. The chairman may adopt those committees
13 as authorized by those rules and regulations. The Commission shall meet regularly at
14 times and places as specified in its rules and regulations or in any joint resolution.
15 However, meetings of the Commission must be held in all three counties on a rotating
16 basis so that an equal number of meetings is held in each county. Special meetings may
17 be called as specified in the rules and regulations. The provisions of the Open Meetings
18 Law, Article 33C of Chapter 143 of the General Statutes, shall apply.

19 Section 6. (a) Within the limits of funds available to it and subject to the
20 provisions of this act and of any joint resolution, the Commission may:

- 21 (1) Hire and fix the compensation of permanent and temporary employees
22 and staff as it may deem necessary in carrying out its duties;
- 23 (2) Contract with consultants for services it requires;
- 24 (3) Contract with the State of North Carolina or the federal government, or
25 any agency or department, or subdivision of them, for property or
26 services as may be provided to or by these agencies and carry out the
27 provisions of these contracts;
- 28 (4) Contract with persons, firms, and corporations generally as to all
29 matters over which it has a proper concern, and carry out the provisions
30 of contracts;
- 31 (5) Lease, rent, purchase, or otherwise obtain suitable quarters and office
32 space for its employees and staff, and lease, rent, purchase, or otherwise
33 obtain furniture, fixtures, vessels, vehicles, firearms, uniforms, and
34 other supplies and equipment necessary or desirable for carrying out the
35 duties imposed in or under the authority of this act; and
- 36 (6) Lease, rent, purchase, construct, otherwise obtain, maintain, operate,
37 repair, and replace, either on its own or in cooperation with other public
38 or private agencies or individuals, any of the following: boat docks,
39 navigation aids, waterway markers, public information signs and
40 notices, and other items of real and personal property designed to
41 enhance public safety in Mountain Island Lake and its shoreline area, or
42 protection of property in the shoreline area subject however to Chapter
43 113 of the General Statutes and rules promulgated under that Chapter.

1 (b) The Commission may accept, receive, and disburse in furtherance of its
2 functions any funds, grants, services, or property made available by the federal
3 government or its agencies or subdivisions, by the State of North Carolina or its agencies
4 or subdivisions, or by private and civic sources.

5 (c) The governing boards of the three counties may appropriate funds to the
6 Commission out of surplus funds or funds derived from nontax sources. They may
7 appropriate funds out of tax revenues and may also levy annually property taxes for the
8 payments of such appropriation as a special purpose, in addition to any allowed by the
9 Constitution, or as provided by G.S. 153A-149.

10 (d) The Commission shall be subject to those audit requirements as may be
11 specified in any joint resolution.

12 (e) In carrying out its duties and either in addition to or in lieu of exercising
13 various provisions of the above authorization, the Commission may, with the agreement
14 of the governing board of the county concerned, utilize personnel and property of or
15 assign responsibilities to any officer or employee of any of the three counties. Such
16 contribution in kind, if substantial, may with the agreement of the other two counties be
17 deemed to substitute in whole or in part for the financial contribution required of that
18 county in support of the Commission.

19 (f) Unless otherwise specified by joint resolution, each of the three counties
20 shall annually contribute an equal financial contribution to the Commission in an amount
21 appropriate to support the activities of the Commission in carrying out its duties.

22 Section 7. (a) A copy of the joint resolution creating the Commission and of any
23 joint resolution amending or repealing the joint resolution creating the Commission shall
24 be filed with the Executive Director of the Wildlife Commission. When the Executive
25 Director receives resolutions that are in substance identical from all three counties
26 concerned, the Executive Director shall within 10 days so certify and distribute a certified
27 single resolution text to the following:

28 (1) The Secretary of State;

29 (2) The clerk to the governing board of each of the three counties;

30 (3) The clerks of Superior Court of Lincoln, Mecklenburg, and Gaston
31 Counties. Upon request, the Executive Director also shall send a
32 certified single copy of any and all applicable joint resolutions to the
33 chairman of the Commission; and

34 (4) A newspaper of general circulation in the three counties.

35 (b) Unless a joint resolution specifies a later date, it shall take effect when the
36 Executive Director's certified text has been submitted to the Secretary of State for filing.
37 Certifications of the Executive Director under the seal of the Commission as to the text or
38 amended text of any joint resolution and of the date or dates of submission to the
39 Secretary of State shall be admissible in evidence in any court. Certifications by any
40 clerk of superior court of the text of any certified resolution filed with him by the
41 Executive Director is admissible in evidence and the Executive Director's submission of
42 the resolution for filing to the clerk shall constitute prima facie evidence that that
43 resolution was on the date of submission also submitted for filing with the Secretary of

1 State. Except for the certificate of a clerk as to receipt and date of submission, no
2 evidence may be admitted in court concerning the submission of the certified text of any
3 resolution by the Executive Director to any person other than the Secretary of State.

4 Section 8. (a) Except as limited in subsection (b) of this section, by restrictions in
5 any joint resolution, and by other supervening provisions of law, the Commission may
6 make regulations applicable to Mountain Island Lake and its shoreline area concerning all
7 matters relating to or affecting the use of Mountain Island Lake. These regulations may
8 not conflict with or supersede provisions of general or special acts or of regulations of
9 State agencies promulgated under the authority of general law. No regulations adopted
10 under this section may be adopted by the Commission except after public hearing, with
11 publication of notice of the hearing being given in a newspaper of general circulation in
12 the three counties at least 10 days before the hearing. In lieu of or in addition to passing
13 regulations supplementary to State law and regulations concerning the operation of
14 vessels on Mountain Island Lake, the Commission may, after public notice, request that
15 the Wildlife Commission pass local regulations on this subject in accordance with the
16 procedure established by appropriate State law.

17 (b) Violation of any regulation of the Commission commanding or prohibiting an
18 act shall be a Class 3 misdemeanor.

19 (c) The regulations promulgated under this section take effect upon passage or
20 upon dates as stipulated in the regulations, except that no regulation may be enforced
21 unless adequate notice of the regulation has been posted in or on Mountain Island Lake or
22 its shoreline area. Adequate notice as to a regulation affecting only a particular location
23 may be by a sign, uniform waterway marker, posted notice, or other effective method of
24 communicating the essential provisions of the regulation in the immediate vicinity of the
25 location in question. Where a regulation applies generally as to Mountain Island Lake or
26 its shoreline area, or both, there must be a posting of notices, signs, or markers
27 communicating the essential provisions in at least three different places throughout the
28 area, and it must be printed in a newspaper of general circulation in the three counties.

29 (d) A copy of each regulation promulgated under this section must be filed by the
30 Commission with the following persons:

31 (1) The Secretary of State;

32 (2) The clerks of Superior Court of Gaston, Lincoln, and Mecklenburg
33 Counties; and

34 (3) The Executive Director of the Wildlife Commission.

35 (e) Any official designated in subsection (d) above may issue certified copies
36 of regulations filed with him under the seal of his office. Those certified copies may be
37 received in evidence in any proceeding.

38 (f) Publication and filing of regulations promulgated under this section as
39 required above is for informational purposes and shall not be a prerequisite to their
40 validity if they in fact have been duly promulgated, the public has been notified as to the
41 substance of regulations, a copy of the text of all regulations is in fact available to any
42 person who may be affected, and no party to any proceeding has been prejudiced by any
43 defect that may exist with respect to publication and filing. Rules and regulations

1 promulgated by the Commission under the provisions of other sections of this act relating
2 to internal governance of the Commission need not be filed or published. Where posting
3 of any sign, notice, or marker or the making of other communication is essential to the
4 validity of a regulation duly promulgated, it shall be presumed in any proceeding that
5 prior notice was given and maintained and the burden lies upon the party asserting to the
6 contrary to prove lack of adequate notice of any regulation.

7 Section 9. (a) Where a joint resolution so provides, all law enforcement officers, or
8 those officers as may be designated in the joint resolution, with territorial jurisdiction as
9 to any part of Mountain Island Lake or its shoreline area shall, within the limitations of
10 their subject matter jurisdiction, have the authority of peace officers in enforcing the laws
11 over all of Mountain Island Lake and its shoreline area.

12 (b) Where a joint resolution provides it, the Commission may hire special officers
13 to patrol and enforce the laws on Mountain Island Lake and its shoreline area. These
14 special officers have and exercise all the powers of peace officers generally within the
15 area in question and shall take the oaths and be subject to all provisions of law relating to
16 law enforcement officers.

17 (c) Unless a joint resolution provides otherwise, all courts in the three counties
18 within the limits of their subject matter jurisdiction shall have concurrent jurisdiction as
19 to all criminal offenses arising within the boundaries of Mountain Island Lake and its
20 shoreline area.

21 (d) Where a law enforcement officer with jurisdiction over any part of Mountain
22 Island Lake or its shoreline area is performing duties relating to the enforcement of the
23 laws on Mountain Island Lake or in its shoreline area, the officer has the extraterritorial
24 jurisdiction necessary to perform his duties. These duties include investigation of crimes
25 an officer reasonably believes have been, or are about to be, committed within the area in
26 question. This includes traversing by reasonable routes from one portion of that area to
27 another although across territory not within the boundaries of Mountain Island Lake and
28 its shoreline area; conducting prisoners in custody to court or detention facilities as
29 authorized by law, although this may involve going outside the area in question;
30 execution of process connected with any criminal offense alleged to have been committed
31 within the boundaries in question, except that such process may not be executed by virtue
32 of this provision beyond the boundaries of the three counties. This also includes
33 continuing pursuit of and arresting any violator or suspected violator as to which grounds
34 for arrest arose within the area in question.

35 (e) Where law enforcement officers are given additional territorial jurisdiction
36 under the provisions of this section, this shall be deemed an extension of the duties of the
37 office held, and no officer shall take any additional oath or title of office.

38 Section 10. (a) Section 4 of S.L. 97-129 reads as rewritten:

39 "Section 4. It is unlawful to operate a vessel at greater than no-wake speed within 50
40 yards of a boat launching area, bridge, dock, pier, marina, boat storage structure, or boat
41 service area on the waters of Lake Norman. No-wake speed is idle speed or slow speed
42 creating no appreciable wake.

1 ~~With regard to marking the no wake speed zone established in this section, each of~~
2 ~~the boards of commissioners of Catawba, Iredell, Lincoln, and Mecklenburg Counties~~
3 ~~may place and maintain navigational aids and regulatory markers of a general nature on~~
4 ~~the waters of Lake Norman within the boundaries of each respective county. Provided~~
5 ~~the counties exercise their supervisory responsibility, they may delegate the actual~~
6 ~~process of placement or maintenance of the markers to some other agency, corporation,~~
7 ~~group, or individual. With regard to marking the restricted zones, markers may be placed~~
8 ~~and maintained by the individuals using the protected areas and facilities in accordance~~
9 ~~with the Uniform Waterway Marking System and any supplementary standards for that~~
10 ~~system adopted by the Wildlife Resources Commission.~~

11 This section is enforceable under G.S. 75A-17 as if it were a provision of Chapter 75A
12 of the General Statutes."

13 (b) Section 5 of S.L. 97-129 reads as rewritten:

14 "Section 5. ~~Section 4 of this act is effective when it becomes law and is enforceable~~
15 ~~after markers complying with Section 7 are placed in the water. The remainder of this~~
16 ~~act is effective when it becomes law. This act is effective when it becomes law."~~

17 Section 11. Sections 1 through 9 of this act apply only to Gaston, Lincoln, and
18 Mecklenburg Counties.

19 Section 12. This act is effective when it becomes law.