

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1772

Short Title: Roanoke River Basin Interstate Commission. (Public)

Sponsors: Representatives J. Crawford; and Hunter.

Referred to: Rules, Calendar, and Operations of the House.

June 17, 2002

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE ROANOKE RIVER BASIN ADVISORY
3 COMMITTEE AND THE ROANOKE RIVER BASIN BI-STATE COMMISSION
4 AND TO APPROPRIATE FUNDS FOR THEIR SUPPORT.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 120 of the General Statutes is amended by adding a
7 new article to read:

8 "Article 29

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

10 Part 1. Roanoke River Basin Advisory Committee.

11 "§ 120-260. Committee: established; membership; vacancies; terms.

12 (a) The North Carolina Roanoke River Advisory Committee is established as an
13 advisory committee to the North Carolina delegation to the Roanoke River Basin Bi-
14 State Commission to assist the delegation in fulfilling the duties and carrying out the
15 objectives of the Commission, pursuant to G.S. 120-266.

16 (b) The advisory committee shall be composed of 19 members to be appointed as
17 follows:

18 (1) Four members of the House of Representatives, whose districts include
19 a part of the North Carolina portion of the Roanoke River Basin, to be
20 appointed by the Speaker of the House of Representatives.

21 (2) Two members of the Senate, whose districts include a part of the North
22 Carolina portion of the Roanoke River Basin, to be appointed by the
23 President Pro Tempore of the Senate.

24 (3) The North Carolina member of the U.S. House of Representatives,
25 whose district includes the largest portion of the Basin, or that
26 Representative's designee, if the Representative elects to serve on the
27 advisory committee.

1 (4) 12 members, six selected by the Speaker of the House of
2 Representatives and six selected by the President Pro Tempore of the
3 Senate such that two are chosen from recommendations of each of the
4 following: Piedmont Triad Council of Governments, Northwest
5 Piedmont Council of Governments, Kerr-Tar Regional Council of
6 Governments, Upper Coastal Plain Council of Governments, Mid-east
7 Commission, and the Albemarle Regional Planning and Development
8 Commission. Of the recommendations submitted by councils of
9 governments and commissions authorized to recommend two
10 members, one member shall be a citizen who resides within the
11 respective planning district. All persons recommended by the councils
12 of governments and commissions to serve as members of the advisory
13 committee shall reside within the Basin, represent the diversity of
14 interests in the jurisdictions comprising the respective councils of
15 governments and commissions, and demonstrate interest, experience,
16 or expertise in water-related Basin issues.

17 (5) In addition, persons representing the interests of the State of Virginia
18 who may be appointed to the advisory committee shall serve as non-
19 voting ex officio members.

20 (c) State and federal legislative members appointed to the advisory committee
21 shall serve terms coincident with their terms of office. Members recommended by
22 councils of governments and commissions to serve on the advisory committee and ex
23 officio members representing the State of Virginia shall serve a term of two years.
24 Initially, councils of governments and commissions authorized to recommend two
25 members to the advisory committee shall recommend one member for a term of two
26 years and one member for a term of one year. Thereafter, the term of office of members
27 recommended by councils of governments and commissions shall be for two years. A
28 member recommended by a council of governments or a commission shall be eligible
29 for reappointment, if the member has attended at least one-half of all meetings of the
30 Committee during his or her current term of service. However, no member
31 recommended by a council of governments or a commission shall serve more than three
32 consecutive two-year terms.

33 Appointments to fill vacancies shall be made for the unexpired terms. Vacancies
34 shall be filled in the same manner as the original appointment.

35 **"§ 120-261. Committee: meetings.**

36 The Speaker of the House of Representatives and the President Pro Tempore of the
37 Senate shall appoint a cochair each from the membership of the Committee. The
38 Committee shall meet upon the call of the cochairs.

39 **"§ 120-262. Committee: reimbursement.**

40 The Committee members shall receive no salary as a result of serving on the
41 Committee but shall receive necessary subsistence and travel expenses in accordance
42 with the provisions of G.S. 120-3.1, 138-5, and 138-6, as applicable.

43 **"§ 120-263. Committee: authority.**

1 The Committee may obtain information and data from all State officers, agents,
2 agencies, and departments, while in discharge of its duties, under G.S. 120-19, as if it
3 were a committee of the General Assembly. The provisions of G.S. 120-19 through G.S.
4 120-19.4 shall apply to the proceedings of the Committee as if it were a committee of
5 the General Assembly. Any cost of providing information to the Committee not covered
6 by G.S. 120-19.3 may be reimbursed by the Committee from funds appropriated to it for
7 its continuing duties.

8 **"§ 120-264. Staffing; meeting place.**

9 The Department of Environment and Natural Resources shall provide staffing and
10 meeting facilities for the Committee.

11 Part 2. Roanoke River Basin Bi-State Commission

12 **"§ 120-265. Definitions.**

13 The following definitions apply in this Part:

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

20 **"§ 120-266. Commission established; purposes.**

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

- 24 (1) To provide guidance and make recommendations to local, state and
25 federal legislative and administrative bodies, and to others as its deems
26 necessary and appropriate, for the use, stewardship and enhancement
27 of the water, and other natural resources, for all citizens within the
28 Roanoke River Basin.
29 (2) To provide a forum for discussion of issues affecting the Basin's water
30 quantity and water quality, and issues affecting other natural resources.
31 (3) To promote communication, coordination and education among
32 stakeholders within the Roanoke River Basin.
33 (4) To identify problems and recommend appropriate solutions.
34 (5) To undertake studies and prepare, publish and disseminate information
35 through reports, and in other forms, related to water quantity, water
36 quality and other natural resources of the Basin.
37 (6) To establish advisory committees that represent a balance of
38 recognized interests.

39 **"§ 120-267. Membership; terms of office; eligibility for appointment.**

40 (a) The Roanoke River Basin Bi-State Commission shall consist of 18 members
41 with each state appointing nine members. The North Carolina delegation shall consist of
42 the six legislative members appointed to the North Carolina Roanoke River Basin
43 Advisory Committee and three nonlegislative members of the North Carolina Roanoke

1 River Basin Advisory Committee, who represent different geographical areas of the
2 North Carolina portion of the Roanoke River Basin, to be appointed by the Governor of
3 North Carolina.

4 (b) All members appointed to the Commission by the State of North Carolina and
5 the Commonwealth of Virginia shall reside within the Basin's watershed. Members of
6 the North Carolina House of Representatives and Senate, the Virginia House of
7 Delegates and Senate, and federal legislators, who have not been appointed to the
8 Commission and whose districts include any portion of the Basin, may serve as
9 nonvoting ex officio members of the Commission.

10 (c) The term of office for an appointed member shall be two years, unless the
11 appointing authorities of each state reappoint the member. Appointments to fill
12 vacancies shall be made for the unexpired terms. Vacancies shall be filled in the same
13 manner as the original appointment. State and federal legislators and local government
14 officials, whether appointed or ex officio, shall serve terms coincident with their terms
15 of office.

16 (d) Each state's delegation to the Commission may meet separately to discuss
17 Basin-related issues affecting their state, and may report their findings independently of
18 the Commission.

19 **"§ 120-268. Roanoke River Basin Bi-State Commission powers and duties.**

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

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

23 (1) To develop rules and procedures for the conduct of its business or as
24 may be necessary to perform its duties and carry out its objectives,
25 including, but not limited to, selecting a chairman and vice-chairman,
26 rotating chairmanships, calling meetings and establishing voting
27 procedures. Rules and procedures developed pursuant to this
28 subdivision shall be effective upon an affirmative vote by a majority of
29 the Commission members.

30 (2) To establish standing and ad hoc advisory committees, which shall be
31 constituted in a manner to ensure a balance between recognized
32 interests. The Commission shall determine the purpose of each
33 advisory committee.

34 (3) To seek, apply for, accept and expend gifts, grants and donations,
35 services and other aid from public or private sources. With the
36 exception of funds provided by the planning district commissions,
37 councils of governments and commissions, and funds appropriated by
38 the General Assemblies of Virginia and North Carolina, the
39 Commission may accept funds only after an affirmative vote by a
40 majority of the members of the Commission or by following any other
41 procedures that are established by the Commission for the conduct of
42 its business.

- 1 (4) To establish a nonprofit corporation to assist in the details of
2 administering its affairs and in raising funds.
3 (5) To enter into contracts and execute all instruments necessary or
4 appropriate.
5 (6) To perform any lawful acts necessary or appropriate for the
6 furtherance of its work.

7 **"§ 120-269. Standing and ad hoc committees.**

8 To facilitate communication among stakeholders in the Roanoke River Basin, and to
9 maximize participation by all interested parties, the Commission shall establish both
10 standing and ad hoc committees. The Commission shall appoint the members of the
11 standing and ad hoc committees, in accordance with guidelines adopted by the
12 Commission. The standing committees shall include all of the following:

- 13 (1) Permit holders. The Commission shall identify those entities that hold
14 permits issued by a federal, state or local regulatory agency pertaining
15 to the water of the Basin. Such entities may recommend a
16 representative to be appointed to the committee by the Commission.
17 (2) Roanoke River Basin interest groups. The Commission shall identify
18 interest groups that may recommend a representative to be appointed
19 to the committee by the Commission.
20 (3) Public officials and government entities. The committee shall be
21 composed of representatives of each county, city and town located
22 completely or partially within the Basin. Also, other governmental
23 entities that the Commission deems appropriate may recommend one
24 member to be appointed to the committee by the Commission. The
25 committee may also include the U.S. Senators from North Carolina
26 and Virginia or their designees, and any member of the U.S. House of
27 Representatives or the Representative's designee, whose district
28 includes any portion of the Basin, if the members elect to serve on the
29 committee.
30 (4) Agriculture, forestry and soil and water conservation districts. The
31 Commission shall identify persons who represent agricultural and
32 forestry interests throughout the Basin and representatives from the
33 soil and water conservation districts within the Basin and shall appoint
34 representatives from these groups to the committee.

35 **"§ 120-270. Staffing and support.**

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

41 (b) All agencies of the State of North Carolina and the Commonwealth of
42 Virginia shall cooperate with the Commission and, upon request, shall assist the
43 Commission in fulfilling its responsibilities. The North Carolina Secretary of

1 Environment and Natural Resources and the Virginia Secretary of Natural Resources or
2 their designees shall each serve as the liaison between their respective state agencies
3 and the Commission.

4 **"§ 120-271. Funding.**

5 (a) The Commission shall annually adopt a budget that shall include the
6 Commission's estimated expenses. Funding for the Commission shall be shared and
7 apportioned between the State of North Carolina and the Commonwealth of Virginia.
8 The appropriation of public funds to the Commission shall be provided through each
9 state's regular process for appropriating public funds. The North Carolina councils of
10 governments and commissions named in G.S. 120-260(b)(4) shall bear a proportion of
11 North Carolina's share of the expenses, which may be in the form of in-kind
12 contributions.

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

14 (c) The accounts and records of the Commission showing the receipt and
15 disbursement of funds from whatever source derived shall be in the form that the North
16 Carolina State Auditor and the Virginia Auditor of Public Accounts prescribe, provided
17 that the accounts shall correspond as nearly as possible to the accounts and records for
18 such matters maintained by similar enterprises. The accounts and records of the
19 Commission shall be subject to an annual audit by the North Carolina State Auditor and
20 the Virginia Auditor of Public Accounts or their legal representatives, and the costs of
21 the audit services shall be borne by the Commission. The results of the audits shall be
22 delivered to the appropriate legislative oversight committees in each state.

23 **"§ 120-272. Compensation and expenses of Commission members.**

24 (a) The North Carolina members of the Commission shall receive per diem,
25 subsistence, and travel expenses as follows:

- 26 (1) Commission members who are members of the General Assembly at
27 the rate established in G.S. 120-3.1.
28 (2) Commission members who are officials or employees of the State or of
29 local government agencies at the rate established in G.S. 138-6.
30 (3) All other Commission members at the rate established in G.S. 138-5.

31 (b) Legislative members of the Virginia delegation to the Commission shall
32 receive such compensation as provided in Virginia § 30-19.12, and shall be reimbursed
33 for reasonable and necessary expenses incurred in the performance of their duties as
34 provided in Virginia § 2.2-2825. However, all such expenses shall be paid from existing
35 appropriations and funds provided to the Commission.

36 **"§ 120-273. Annual report required.**

37 The Commission shall submit an annual report, including any recommendations, to
38 the Governor and General Assembly of North Carolina and the Governor and General
39 Assembly of Virginia.

40 **"§ 120-274. Commission: Terminate upon repeal of comparable Virginia**
41 **authorizing legislation.**

42 If the Virginia General Assembly repeals its comparable legislation establishing the
43 Roanoke River Bi-State Commission, then the Roanoke River Basin Bi-State

1 Commission shall terminate and the North Carolina Roanoke River Basin Advisory
2 Committee shall assume the powers and duties of the Roanoke River Basin Bi-State
3 Commission in accordance with G.S. 120-268."

4 **SECTION 2.** There is appropriated from the General Fund to the General
5 Assembly the sum of fifty thousand dollars (\$50,000) for the 2002-2003 fiscal year for
6 the expenses of the Roanoke River Basin Advisory Committee and the Roanoke River
7 Basin Bi-State Commission.

8 **SECTION 3.** This act becomes effective July 1, 2002.