

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 859
Agriculture/Environment/Natural Resources Committee Substitute Adopted
6/12/03

Short Title: Catawba River Basin Bi-State Advisory Comm. (Public)

Sponsors:

Referred to:

April 3, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE CATAWBA RIVER BASIN BI-STATE ADVISORY
3 COMMISSION AND TO APPROPRIATE FUNDS TO ENABLE THE
4 COMMISSION TO ACHIEVE ITS PURPOSES.

5 The General Assembly of North Carolina enacts:

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

8 "Article 8.

9 "Catawba River Basin Bi-State Advisory Commission.

10 "**§ 77-110. Definitions.**

11 The following definitions apply in this Article:

12 (1) 'Commission' means the Catawba River Basin Bi-State Advisory
13 Commission.

14 (2) 'Catawba River Basin' or 'Basin' means that land area designated as the
15 Catawba River Basin pursuant to G.S. 143-215.22G and the land area
16 designated as the Catawba River Basin by the South Carolina
17 Department of Health and Environmental Control.

18 "**§ 77-111. Commission established; purposes.**

19 There is established the Catawba River Basin Bi-State Advisory Commission. The
20 Commission shall be composed of members from the State of North Carolina and the
21 State of South Carolina. The purposes of the Commission shall be to:

22 (1) Provide guidance and make recommendations to local, state, and
23 federal legislative and administrative bodies and others for the use,
24 stewardship, and enhancement of the water and other natural resources
25 for all citizens within the Basin.

26 (2) Provide a forum for discussion of issues affecting the Basin's water
27 quantity, water quality, and other natural resources.

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

6 **"§ 77-112. Membership; terms of office; eligibility for appointment; meetings.**

7 (a) The Commission shall be composed of 14 members as follows:

- 8 (1) A member of the North Carolina House of Representatives whose
9 district includes a part of the North Carolina portion of the Basin,
10 appointed by the Speaker of the North Carolina House of
11 Representatives.
- 12 (2) A member of the North Carolina House of Representatives whose
13 district includes a part of the North Carolina portion of the Basin,
14 appointed by the Speaker of the North Carolina House of
15 Representatives.
- 16 (3) A member of the North Carolina Senate whose district includes a part
17 of the North Carolina portion of the Basin, appointed by the President
18 Pro Tempore of the North Carolina Senate.
- 19 (4) A member of the North Carolina Senate whose district includes a part
20 of the North Carolina portion of the Basin, appointed by the President
21 Pro Tempore of the North Carolina Senate.
- 22 (5) A member of the South Carolina House of Representatives whose
23 district includes a part of the South Carolina portion of the Basin,
24 appointed as provided by the General Assembly of South Carolina.
- 25 (6) A member of the South Carolina House of Representatives whose
26 district includes a part of the South Carolina portion of the Basin,
27 appointed as provided by the General Assembly of South Carolina.
- 28 (7) A member of the South Carolina Senate whose district includes a part
29 of the South Carolina portion of the Basin, appointed as provided by
30 the General Assembly of South Carolina.
- 31 (8) A member of the South Carolina Senate whose district includes a part
32 of the South Carolina portion of the Basin, appointed as provided by
33 the General Assembly of South Carolina.
- 34 (9) The President of Duke Power Company or the President's designee.
- 35 (10) The Chair of the Bi-State Catawba River Task Force or the Chair's
36 designee.
- 37 (11) The chief executive officer of Carolina's Partnership, Inc., or the chief
38 executive officer's designee.
- 39 (12) One person to represent the following commissions, appointed jointly
40 by the three chief executive officers of the commissions: the Lake
41 Wylie Marine Commission established pursuant to Article 4 of
42 Chapter 77 of the General Statutes, the Mountain Island Lake Marine
43 Commission established pursuant to Article 6 of Chapter 77 of the
44 General Statutes, and the Lake Norman Marine Commission

1 established pursuant to Chapter 1089 of the 1969 Session Laws,
2 appointed as provided in this subdivision.

3 (13) One person from a nonprofit land conservation trust operating within
4 the North Carolina portion of the Basin, appointed by the Governor of
5 North Carolina.

6 (14) One person currently employed by a municipal, county, or private
7 water or sewer utility in the South Carolina portion of the Basin,
8 appointed by the Governor of South Carolina.

9 (b) Each member appointed to the Commission pursuant to subdivisions (1)
10 through (4) of subsection (a) of this section shall serve at the pleasure of the appointing
11 authority so long as the member remains a Representative or Senator. Each member
12 appointed to the Commission pursuant to subdivisions (5) through (8) of subsection (a)
13 of this section shall serve as provided by the General Assembly of South Carolina. Each
14 member appointed to the Commission pursuant to subdivisions (9) through (11) of
15 subsection (a) of this section shall serve for so long as the member continues in the
16 qualifying position or, if the member is a designee, at the pleasure of the designating
17 authority. Each member appointed to the Commission pursuant to subdivisions (12) and
18 (13) of subsection (a) of this section shall serve a term of two years and may be
19 reappointed to serve no more than three consecutive full terms or 84 consecutive
20 months, whichever is greater. The term of a person appointed to the Commission
21 pursuant to subdivision (12) of subsection (a) of this section shall expire on 1 January of
22 even-numbered years. The term of a person appointed to the Commission pursuant to
23 subdivision (13) of subsection (a) of this section shall expire on 1 January of
24 odd-numbered years. The term of a member who is appointed pursuant to subdivision
25 (14) of subsection (a) of this section shall serve as provided by the General Assembly of
26 South Carolina. An appointment to fill a vacancy on the Commission shall be for the
27 unexpired balance of the term. A vacancy on the Commission shall be filled in the same
28 manner as the original appointment. Members of the Commission who are appointed
29 from or reside in North Carolina may be removed by the Governor of North Carolina
30 for misfeasance, malfeasance, or nonfeasance, including failure to attend at least
31 one-half of the meetings of the Commission, as provided in G.S. 143B-13.

32 (c) The Governor of North Carolina shall designate one of the members
33 appointed pursuant to subdivisions (1) through (4) of subsection (a) of this section to
34 serve as Cochair of the Commission. The Cochair appointed by the Governor of North
35 Carolina shall serve a term of two years from the date of appointment so long as the
36 member remains a Representative or Senator. The Governor of South Carolina shall
37 designate one of the members appointed pursuant to subdivisions (5) through (8) of
38 subsection (a) of this section to serve as Cochair of the Commission. The Cochair
39 appointed by the Governor of South Carolina shall serve a term as provided by the
40 General Assembly of South Carolina.

41 (d) The Commission shall meet upon the call of the Cochairs. A majority of the
42 Commission shall constitute a quorum for the transaction of business.

1 (e) The legislative members of the Commission from each state may meet
2 separately to discuss Basin-related issues affecting their state and may report their
3 findings independently of the Commission.

4 **"§ 77-113. Powers and duties.**

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

6 (b) To achieve its purposes, the Commission shall have all of the following
7 powers and duties:

8 (1) To develop rules and procedures for the conduct of its business. Rules
9 and procedures developed pursuant to this subdivision shall be
10 effective upon an affirmative vote by a majority of the Commission
11 members.

12 (2) To establish standing and ad hoc advisory committees, which shall be
13 constituted in a manner to ensure a balance among recognized
14 interests. The Commission shall determine the purpose of each
15 advisory committee.

16 (3) To seek, apply for, accept, and expend gifts, grants, donations,
17 services, and other aid from public or private sources. The
18 Commission may accept or expend funds only after an affirmative vote
19 by a majority of the members of the Commission.

20 (4) To exercise the powers of a body corporate, including the power to sue
21 and be sued, and to adopt and use a common seal and alter the same.

22 (5) To enter into contracts and execute all instruments necessary or
23 appropriate to achieve the purposes of the Commission.

24 (6) To designate a fiscal agent.

25 (7) To perform any lawful acts necessary or appropriate to achieve the
26 purposes of the Commission.

27 (c) The Commission shall have no authority to obligate or otherwise bind the
28 State of North Carolina, the State of South Carolina, or any agency or subdivision of
29 either state.

30 **"§ 77-114. Staffing; meeting facilities; assistance by agencies.**

31 (a) The North Carolina Department of Environment and Natural Resources and
32 the South Carolina Department of Health and Environmental Control shall provide
33 staffing and meeting facilities for the Commission. Additional staff may be hired or
34 contracted by the Commission through funds raised by or provided to it. The duties and
35 compensation of any additional staff shall be determined and fixed by the Commission,
36 within available resources.

37 (b) All agencies of the State of North Carolina and the State of South Carolina
38 shall cooperate with the Commission and, upon request, shall assist the Commission in
39 fulfilling its responsibilities. The North Carolina Secretary of Environment and Natural
40 Resources and the South Carolina Commissioner of Health and Environmental Control
41 or their designees shall each serve as the liaison between their respective state agencies
42 and the Commission.

43 **"§ 77-115. Funding.**

1 (a) The Commission shall annually adopt a budget that shall include the
2 Commission's estimated expenses. Funding for the Commission shall be shared and
3 apportioned between the State of North Carolina and the State of South Carolina. The
4 appropriation of public funds to the Commission shall be provided through each state's
5 regular process for appropriating public funds.

6 (b) The accounts and records of the Commission showing the receipt and
7 disbursement of funds from whatever source derived shall be in the form that the
8 Auditor of North Carolina and the State Auditor of South Carolina prescribe. The
9 accounts and records of the Commission shall be subject to an annual audit by the
10 Auditor of North Carolina and the State Auditor of South Carolina or their legal
11 representatives. The cost of the annual audits shall be borne by the Commission. The
12 results of the audits shall be delivered to the Joint Legislative Commission on
13 Governmental Operations of the General Assembly of North Carolina and to the
14 General Assembly of South Carolina as the General Assembly of South Carolina shall
15 provide.

16 **"§ 77-116. Compensation and expenses of Commission members.**

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

20 (1) Commission members who are members of the General Assembly at
21 the rate established in G.S. 120-3.1.

22 (2) Commission members who are officials or employees of the State or of
23 local government agencies at the rate established in G.S. 138-6.

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

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

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

29 **"§ 77-117. Annual report.**

30 The Commission shall submit an annual report, including any recommendations, on
31 or before 1 October of each year to the Governor of North Carolina, the Environmental
32 Review Commission of the General Assembly of North Carolina, the Governor of South
33 Carolina, and the General Assembly of South Carolina, as the General Assembly of
34 South Carolina shall provide.

35 **"§ 77-118. Termination.**

36 The General Assembly of North Carolina may terminate the Commission by
37 repealing this Article. The Commission shall terminate if the General Assembly of
38 South Carolina repeals the provisions of the South Carolina Code of Laws that are
39 comparable to this Article."

40 **SECTION 2.** Notwithstanding the provisions of G.S. 77-112(b), as enacted
41 by Section 1 of this act, the initial term of the member of the Catawba River Basin
42 Bi-State Advisory Commission appointed pursuant to G.S. 77-112(a)(12) shall expire
43 1 January 2006. Notwithstanding the provisions of G.S. 77-112(b), as enacted by
44 Section 1 of this act, the initial term of the member of the Catawba River Basin Bi-State

1 Advisory Commission appointed pursuant to G.S. 77-112(a)(13) shall expire 1 January
2 2007. The Catawba River Basin Bi-State Advisory Commission shall submit the first
3 report pursuant to G.S. 77-117, as enacted by Section 1 of this act, on or before 1
4 October 2004.

5 **SECTION 3.** There is appropriated from the General Fund to the Catawba
6 River Basin Bi-State Advisory Commission the sum of twenty-five thousand dollars
7 (\$25,000) for the 2003-2004 fiscal year and the sum of twenty-five thousand dollars
8 (\$25,000) for the 2004-2005 fiscal year to implement the provisions of this act.

9 **SECTION 4.** This act becomes effective 1 July 2003.