CHAPTER 59

The River Basins Advisory Commissions

Editor’s Note

2004 Act No. 262, Section 2, provides as follows:

“Chapter 59 of Title 44 of the 1976 Code, as contained in Section 1, takes effect upon approval by the Governor and upon enactment of a comparable act by the State of North Carolina establishing the River Basins Advisory Commissions.”

**SECTION 44‑59‑10.** Definitions.

 As used in this chapter:

 (1) “River basins” means that land area designated as the Catawba/Wateree, Yadkin/Pee Dee River Basins by the North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental Control.

 (2) “Commissions” means the River Basins Advisory Commissions. The commissions shall be constituted as described below and there shall be a separate commission for each river basin.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

**SECTION 44‑59‑20.** River Basins Advisory Commissions established; purpose; authority.

 (A) There is established the River Basins Advisory Commissions. The commissions shall be permanent bodies composed of members from the State of North Carolina and the State of South Carolina.

 (B) 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 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 basin based on existing data available from agencies located in either state;

 (6) 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 must be effective upon an affirmative vote by a majority of the commission members;

 (7) establish standing and ad hoc committees, which must be constituted in a manner to ensure a balance between recognized interests and states. The commissions shall determine the purpose of each standing or ad hoc committee;

 (8) 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 basin;

 (9) seek, apply for, accept, and expend gifts, grants, donations, services, and other aid from public or private sources. The commissions may accept or expend funds only after an affirmative vote by a majority of the members of the commissions;

 (10) exercise the powers of a body corporate, including the power to sue and be sued, and adopt and use a common seal and alter the same;

 (11) enter into contracts and execute all instruments necessary or appropriate to achieve the purposes of the commissions;

 (12) designate a fiscal agent;

 (13) perform any lawful acts necessary or appropriate to achieve the purposes of the commissions.

 (C) All of the authority granted to the River Basins Advisory Commissions shall be advisory in nature and in no way shall the commissions be construed to have any regulatory authority.

 (D) The commissions shall have no authority to obligate or otherwise bind the State of North Carolina, the State of South Carolina, or any agency or subdivision of either state.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1031.

Westlaw Topic No. 405.

C.J.S. Waters Sections 591 to 592, 595.

**SECTION 44‑59‑30.** Staff support; agency cooperation.

 (A) The North Carolina Department of Environmental and Natural Resources and the South Carolina Department of Health and Environmental Control shall provide staff support and facilities to each commission within the existing programs of the respective agencies.

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

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1034.

Westlaw Topic No. 405.

C.J.S. Waters Sections 601 to 602, 604.

**SECTION 44‑59‑40.** Officers.

 Members of each commission shall elect a chairman, vice chairman, and those other officers as they consider necessary with the chairmanship to be rotated between the States of North Carolina and South Carolina.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1034.

Westlaw Topic No. 405.

C.J.S. Waters Sections 601 to 602, 604.

**SECTION 44‑59‑50.** Catawba/Wateree Commission and Yadkin/Pee Dee Commission; membership; terms; filing vacancies.

 (A) The Catawba/Wateree Commission shall be composed of fifteen members who reside in counties which abut the Catawba/Wateree River Basin as follows:

 (1) two members of the North Carolina House of Representatives, to be appointed by the Speaker of the North Carolina House of Representatives;

 (2) two members of the North Carolina Senate, to be appointed by the President Pro Tempore of the North Carolina Senate;

 (3) two members of the South Carolina House of Representatives, to be appointed by the Speaker of the South Carolina House of Representatives;

 (4) two members of the South Carolina Senate, to be appointed by the President Pro Tempore of the South Carolina Senate;

 (5) one member from South Carolina representing a water or sewer municipal utility to be appointed by the South Carolina legislative members of the commission;

 (6) one person from a nonprofit land conservation trust operating within the North Carolina portion of the basin, appointed by the Governor of North Carolina;

 (7) the President of Duke Power or his designee;

 (8) the Chairman of the Bi‑State Catawba River Task Force or his designee;

 (9) the Chief Executive Officer of the Carolina’s Partnership, Inc. or his designee;

 (10) one person to represent the commissions referenced below, appointed jointly by the three chief executive officers of the commissions: the Lake Wylie Marine Commission established pursuant to Article 4 of Chapter 77 of the North Carolina General Statutes, the Mountain Island Lake Marine Commission established pursuant to Article 6 of Chapter 77 of the North Carolina General Statutes, and the Lake Norman Marine Commission established pursuant to Chapter 1089 of the 1969 North Carolina Session Laws;

 (11) one member from a lake homeowner’s association located on the Catawba/ Wateree River whose members reside in South Carolina, to be appointed by the President Pro Tempore of the South Carolina Senate.

 (B) The Yadkin/Pee Dee Commission shall be composed of fifteen members who reside in counties which abut the Yadkin/Pee Dee River Basin as follows:

 (1) two members of the North Carolina House of Representatives, to be appointed by the Speaker of the North Carolina House of Representatives;

 (2) two members of the North Carolina Senate, to be appointed by the President Pro Tempore of the North Carolina Senate;

 (3) two members of the South Carolina House of Representatives, to be appointed by the Speaker of the South Carolina House of Representatives;

 (4) two members of the South Carolina Senate, to be appointed by the President Pro Tempore of the South Carolina Senate;

 (5) one member from South Carolina representing a water or sewer municipal utility to be appointed by the South Carolina legislative members of the commission;

 (6) one member from South Carolina representing the agricultural community to be appointed by the South Carolina legislative members of the commission;

 (7) one person from a water or sewer municipal authority, appointed by the Governor of North Carolina;

 (8) the President of Progress Energy or his designee;

 (9) the President of Alcoa Power Generating, Incorporated (APGI) or his designee;

 (10) the President of Weyerhaeuser or his designee;

 (11) a representative of the land development industry, whose organization does business within the Yadkin/Pee Dee River Basin and who shall be appointed by the chairman of the commission.

 (C) The legislative members of the commission may appoint as they consider necessary additional members to the commission to serve as advisory members.

 (D) State legislative members appointed to the commission shall serve ex officio and shall have terms coterminous with their terms of office. All other members shall serve for a period of two years. Appointments to fill vacancies must be made for the remainder of the unexpired terms. Vacancies shall be filled in the same manner as the original appointment.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1034.

Westlaw Topic No. 405.

C.J.S. Waters Sections 601 to 602, 604.

**SECTION 44‑59‑60.** Compensation.

 The members of the commissions shall serve without compensation.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1034.

Westlaw Topic No. 405.

C.J.S. Waters Sections 601 to 602, 604.

**SECTION 44‑59‑70.** Obtaining information from state officers and agencies.

 The commissions may obtain information and data upon request from all state officers, agents, agencies, and departments of the States of North Carolina and South Carolina while in discharge of their duties.

HISTORY: 2004 Act No. 262, Section 1, eff July 6, 2004.

Library References

Water Law 1035.

Westlaw Topic No. 405.

C.J.S. Waters Sections 598 to 600, 605.