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SENATE BILL NO. 460

Offered January 9, 2002

Prefiled January 9, 2002

A BILL to amend the Code of Virginia by adding in Title 62.1 a chapter numbered 5.4, consisting of sections numbered 62.1-69.34 through 62.1-69.41, relating to the establishment of the Roanoke River Basin Bi-State Commission.

Patrons—Hawkins and Ruff

Referred to Committee on Rules

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 62.1 a chapter numbered 5.4, consisting of sections numbered 62.1-69.34 through 62.1-69.41, as follows:

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CHAPTER 5.4.**ROANOKE RIVER BASIN BI-STATE COMMISSION.**

§ 62.1-69.34. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basin" means the Roanoke River Basin.

"Roanoke River Basin" means that land area designated as the Roanoke River Basin by the North Carolina Department of Environment and Natural Resources and the State Water Control Board pursuant to § 62.1-44.38 of the Code of Virginia

§ 62.1-69.35. Roanoke River Basin Bi-State Commission established; purpose.

The Roanoke River Basin Bi-State Commission is hereby established as a bi-state

commission composed of members from North Carolina and Virginia and hereinafter referred to as the Commission. The Commission shall:

1. Provide guidance, conduct joint meetings, and make recommendations to local, state and federal legislative and administrative bodies, and to others as it deems necessary and appropriate, for the use, stewardship and enhancement of the water and other natural resources;

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

3. Promote communication, coordination and education among stakeholders within the Basin;

4. Identify Basin

-related problems and recommend appropriate solutions; and

5. Undertake studies and prepare, publish and disseminate information through reports, and in other forms, related to water quantity, water quality and other natural resources of the Basin.

§ 62.1-69.36. Roanoke River Basin Commission powers.

A. The Commission shall have no regulatory powers.

B. To carry out its purposes, the Commission shall have the power to:

1. Enter into contracts and execute all instruments necessary or appropriate;

2. Perform any lawful acts necessary or appropriate;

3. Establish a nonprofit corporation as an instrumentality to assist in the details of administering its affairs and in raising funds;

4. Seek, apply for, accept and expend gifts, grants and donations, services and other aids from public or private sources. Other than those from planning district commissions and those appropriated by the General Assemblies of Virginia and North Carolina, funds may be accepted by the Commission only after an affirmative vote by the Commission or by following such other procedure as may be established by the Commission for the conduct of its business;

5. Establish standing and ad hoc advisory committees, which shall be constituted so as to ensure a balance of recognized interests. The purpose of each advisory committee shall be determined by the Commission; and

6. Develop rules and procedures for the conduct of its business or necessary to carry out its

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59 purposes, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships,
60 calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this
61 subdivision shall be effective upon an affirmative vote by a majority of the Commission members.

62 § 62.1-69.37. Membership; terms of office; eligibility for appointment.

63 A. The Commission shall be composed of eighteen voting members with each state making nine
64 appointments. The North Carolina citizen members shall be appointed in the following manner: three
65 members shall be appointed by the Governor; three members shall be appointed by the Speaker of the
66 House of Representatives; and three members shall be appointed by the President Pro Tempore of the
67 Senate. The Virginia citizen members shall be appointed in the following manner: one member shall be
68 appointed by the Governor; one member shall be appointed by the Senate Committee on Privileges and
69 Elections; one member shall be appointed by the Speaker of the House of Delegates; and one member
70 each shall be appointed by the Central Virginia Planning District Commission,

71 the West Piedmont Planning District Commission, the Southside Planning District Commission, the
72 Piedmont Planning District Commission, the Roanoke Valley Alleghany Planning District Commission, and
73 the New River Valley Planning District Commission.

74 B. Each of the eighteen appointees shall:

75 1. Reside within the Basin's watershed;

76 2. Have demonstrated an interest in, experience with, or expertise in water-related Basin issues; and

77 3. Represent one of the following: holders of local, state or federal water permits; Basin interest
78 groups; public officials or governmental entities; agricultural organizations or associations; forestry
79 organizations or associations; soil and water conservation districts; and recreational use organizations
80 or associations.

81 C. The terms of office for each appointed citizen member shall be two years. No member shall serve
82 more than three consecutive terms. To be eligible for reappointment, a member shall have attended at
83 least one-half of all meetings of the Commission during his current term of service. Appointments to fill
84 vacancies shall be made for the unexpired terms. Vacancies shall be filled in the same manner as the
85 original selection.

86
87 D. Members of the North Carolina House of Representatives and Senate and the Virginia House of
88 Delegates and Senate and federal legislators whose districts include any portion of the Basin may serve
89 as nonvoting ex-officio members of the Commission. Their terms of office shall be coincident with their
90 terms of public office.

91 E. Members of the Commission representing each state may meet separately to discuss basin-related
92 issues affecting their state.

93 § 62.1-69.38. Standing and ad hoc committees.

94 To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize
95 participation by all interested parties, the Commission shall establish both standing and ad hoc
96 committees. The members of the Commission shall make the appointments to those committees. The
97 standing committees shall include, but not be limited to, the following:

98 1. Permit holders. The Commission shall identify those entities that hold permits issued by a federal,
99 state or local regulatory agency pertaining to the water of the Basin. The entities so identified may
100 appoint a representative to this committee in accordance with guidelines adopted by the Commission;

101 2. Roanoke River Basin interest groups. The Commission shall identify those interest groups that
102 shall be entitled to appoint a representative to this committee in accordance with the guidelines adopted
103 by the Commission;

104 3. Public officials and government entities. This committee shall be composed of both U.S. Senators
105 from Virginia and North Carolina or their designees and any member of the U.S. House of
106 Representatives, or his designee, whose district includes any portion of the Basin. Each county, city and
107 town located completely or partially within the Basin and any other governmental entities the
108 Commission deems appropriate shall be entitled to appoint one member to this committee in accordance
109 with the guidelines adopted by the Commission; and

110 4. Agriculture, forestry and soil and water conservation districts. The Commission shall identify
111 persons who represent agricultural and forestry interests throughout the Basin and representatives from
112 the soil and water conservation districts within the Basin and the Commission shall make any
113 appointments from these groups in accordance with guidelines adopted by the Commission.

114 § 62.1-69.39. Staffing and support.

115 The North Carolina Department of Environment and Natural Resources and the Virginia Department
116 of Environmental Quality shall provide staff support to the Commission. Additional staff may be hired or
117 contracted for by the Commission through funds raised by or provided to it. The Commission is
118 authorized to determine the duties of such staff and fix staff compensation within available resources.

119 All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with
120 the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The

Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of Environment and Natural Resources or their designees shall act as the chief liaison between the state agencies and the Commission.

§ 62.1-69.40. Funding.

A. The Commission shall annually adopt a budget, which shall include the Commission's estimated expenses. The funding of the Commission shall be the shared responsibility of North Carolina and Virginia. Each state's contribution shall be set through the normal state appropriations processes. The Virginia planning district commissions within the Basin shall share Virginia's portion of the expenses, which can be in the form of in-kind contributions.

B. The Commission shall designate a fiscal agent.

C. The accounts and records of the Commission showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North Carolina State Auditor prescribe

, provided that such accounts shall correspond as nearly as possible to the accounts and records for such matters maintained by similar enterprises. The accounts and records of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall be borne by the Commission. The results of the audits shall be delivered to the appropriate legislative oversight committees.

§ 62.1-69.41. Compensation and expenses of Commission members.

A. The North Carolina members of the Commission shall receive per diem, subsistence, and travel expenses as follows:

1. Ex-officio legislative members who are members of the General Assembly at the rate established in North Carolina G.S. 138-6;

2. Commission members who are officials or employees of the State or of local government agencies at the rate established in North Carolina G.S. 138-6; and

3. All other members at the rate established in North Carolina G.S. 138-5.

B. The Virginia members of the Commission shall receive compensation and expenses as follows:

1. Ex-officio legislative members who are members of the General Assembly at the rate established in § 30-19.12 of the Code of Virginia; and

2. All other members of the Commission at the rate established in § 2.2-2813.

§ 62.1-69.42. Annual report required.

The Commission shall make an annual report to the Governors and General Assemblies of North Carolina and Virginia, which report shall include any recommendations.

2. That the provisions of this act shall become effective January 1, 2003, or upon enactment by the State of North Carolina of a similar act, whichever occurs last.