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## SENATE BILL NO. 460

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules  
on February 5, 2002)

(Patron Prior to Substitute—Senator Hawkins)

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 62.1-69.42, relating to the establishment of the Roanoke River Basin Bi-State Commission.

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 62.1-69.42, as follows:

## 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 State Water Control Board pursuant to § 62.1-44.38 of the Code of Virginia and the North Carolina Department of Environment and Natural Resources .

§ 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 Virginia and North Carolina 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 Bi-State 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 following such procedures 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 as are necessary to carry out its purposes, including, but not limited to, selecting a chairman and vice-chairman, rotating chairmanships, calling meetings and establishing voting procedures. Rules and procedures developed pursuant to this subdivision shall be effective upon an affirmative vote by a majority of the Commission members.

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

A. The Commission shall be composed of eighteen voting members with each state making nine appointments. The Virginia citizen members shall be appointed in the following manner: one member shall be appointed by the Senate Committee on Privileges and Elections; two members shall be appointed by the Speaker of the House of Delegates; one member shall be appointed by the Governor; and five voting members of the Virginia Roanoke River Basin Commission, as established by the Code of Virginia, shall be selected by the voting members of that Commission. The North Carolina citizen members shall be appointed in the following manner: three members shall be appointed by the Governor; three members shall be appointed by the Speaker of the House of Representatives; and three

60 members shall be appointed by the President Pro Tempore of the Senate.

61 B. Each of the eighteen appointees shall:

62 1. Reside within the Basin's watershed;

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

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

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

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

77 E. Members of the Commission representing each state may meet separately to discuss Basin-related  
78 issues affecting their state.

79 § 62.1-69.38. Standing and ad hoc committees.

80 To facilitate communication among stakeholders in the Roanoke River Basin, and to maximize  
81 participation by all interested parties, the Commission shall establish both standing and ad hoc  
82 committees. The voting members of the Commission shall make the appointments to each committee. The  
83 standing committees shall include, but not be limited to, the following:

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

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

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

96 4. Agriculture, forestry, and soil and water conservation districts. The Commission shall identify  
97 persons who represent agricultural and forestry interests throughout the Basin and representatives from  
98 the soil and water conservation districts within the Basin. The Commission shall make appointments  
99 from such groups in accordance with guidelines adopted by the Commission.

100 § 62.1-69.39. Staffing and support.

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

106 All agencies of the Commonwealth of Virginia and the State of North Carolina shall cooperate with  
107 the Commission and, upon request, shall assist the Commission in fulfilling its responsibilities. The  
108 Virginia Secretary of Natural Resources and the North Carolina Secretary of the Department of  
109 Environment and Natural Resources, or their designees, shall act as the chief liaison between the state  
110 agencies and the Commission.

111 § 62.1-69.40. Funding.

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

117 B. The Commission shall designate a fiscal agent.

118 C. The accounts and records of the Commission showing the receipt and disbursement of funds from  
119 whatever source derived shall be in such form as the Virginia Auditor of Public Accounts and the North  
120 Carolina State Auditor prescribe, provided that such accounts shall correspond as nearly as possible to  
121 the accounts and records for such matters maintained by similar enterprises. The accounts and records

122 of the Commission shall be subject to an annual audit by the Virginia Auditor of Public Accounts and  
 123 the North Carolina State Auditor or their legal representatives, and the costs of such audit services shall  
 124 be borne by the Commission. The results of the audits shall be delivered to the Virginia Senate  
 125 Committee on Finance and the Virginia House Committee on Appropriations and the appropriate  
 126 legislative oversight committees in North Carolina.  
 127 § 62.1-69.41. Compensation and expenses of Commission members.  
 128 A. The Virginia members of the Commission shall receive compensation and expenses as follows:  
 129 1. Ex-officio legislative members who are members of the General Assembly at the rate established  
 130 in § 30-19.12 of the Code of Virginia; and  
 131 2. All other members of the Commission at the rate established in § 2.2-2813.  
 132 B. The North Carolina members of the Commission shall receive per diem, subsistence, and travel  
 133 expenses as follows:  
 134 1. Ex-officio legislative members who are members of the General Assembly at the rate established  
 135 in North Carolina G.S. 138-6;  
 136 2. Commission members who are officials or employees of the State or of local government agencies  
 137 at the rate established in North Carolina G.S. 138-6; and  
 138 3. All other members at the rate established in North Carolina G.S. 138-5.  
 139 § 62.1-69.42. Annual report required.  
 140 The Commission shall make an annual report, including any recommendations, to the Governors and  
 141 General Assemblies of Virginia and North Carolina.  
 142 2. That the provisions of this act shall become effective January 1, 2003, or upon enactment by the  
 143 State of North Carolina of a similar act, whichever occurs last.