

Session Law 2011-266 Government Reduction Act

The Government Reduction Act, Session Law 2011-266, became effective July 1, 2011. The impact to Roanoke River Basin Bi-State Commission was to repeal Part 2 of Article 7, Roanoke River Basin Advisory Committee.

SECTION 1.25.(a) Part 2 of Article 7 of Chapter 77 of the General Statutes, G.S. 77-103 through G.S. 77-109, is repealed.

SECTION 1.25.(b) The title of Article 7 of Chapter 77 of the General Statutes reads as rewritten:

*"Article 7. Roanoke River Basin Bi-State ~~Commission; Roanoke River Basin Advisory Committee.~~Commission.
Part 1. Roanoke River Basin Bi-State Commission."*

What is the impact of repealing Part 2?

There is no longer an Advisory Committee to assist the NC representatives of the Roanoke River Basin Bi-State Commission. For a practical matter the loss of the Advisory Committee shouldn't impact the work of the Commission. In section §77-92(d) there is still the authority for each State to meet separately and report findings on basin related issues to the full Commission. The Catawba River Basin Bi-State Advisory Commission has functioned effectively without an Advisory Committee.

One issue that SL 2011-266 did not address was Part 1 has references to Part 2 for the terms and eligibility for appointment to the Commission. After a review by the Attorney General's Office and the Governor's Office, it was determined the Governor has the necessary authority to appoint representatives to the Commission. In reviewing statute's change the Office of the Governor's Boards & Commission staff found out of date information that has been corrected.

Senate Bill 229 – Amend Environmental Laws 2012 (Ratified, presented to the Governor on 7/3) includes technical corrections to address the appointment issue.

PART XXII. TECHNICAL AND CONFORMING CHANGES

SECTION 28.(a) *G.S. 77-92(a) reads as rewritten:*

"(a) The Roanoke River Basin Bi-State Commission shall consist of 18 members with each state appointing nine members. The North Carolina delegation to the Commission shall consist of the six members of the General Assembly of North Carolina appointed to the North Carolina Roanoke River Basin Advisory Committee and three nonlegislative members of the North Carolina Roanoke River Basin Advisory Committee, established pursuant to G.S. 77-103, who represent different geographical areas of the North Carolina portion of the Basin and who reside within the Basin's watershed, to be appointed by the Governor of North Carolina. The Virginia delegation to the Commission shall be appointed as determined by the Commonwealth of Virginia."

SECTION 28.(b) *G.S. 77-93(b)(2) reads as rewritten:*

"(2) To establish standing and ad hoc advisory committees pursuant to G.S. 77-94 in addition to the North Carolina Roanoke River Basin Advisory Committee established pursuant to Part 2 of this Article and the Virginia Roanoke River Basin Advisory Committee established pursuant to Chapter 5.4 of Title 62.1 of the Code of Virginia, which shall be constituted in a manner to ensure a balance between recognized interests. The Commission shall determine the purpose of each advisory committee."

To assist the NC Delegation with stakeholder communication DWR has setup a Roanoke Bi-State email list. The email address is: roanokebistate@lists.ncmail.net . To subscribe, unsubscribe, or read the list archive go to the website - <http://lists.ncmail.net/mailman/listinfo/roanokebistate> .

Legislative Update

- Senate Bill 229 – Amend Environmental Laws 2012 (Ratified, present to Governor 7/3)

PART II. STUDY REALLOCATION OF WATER SUPPLY IN KERR LAKE

SECTION 2.(a) The Department of Environment and Natural Resources shall study the advisability and feasibility of reallocating water supply in John H. Kerr Reservoir from hydropower storage to water supply storage. The study shall identify the projected future water supply needs that could be met by reallocation of the water supply and identify any potential impacts of a water supply reallocation. In conducting this study, the Department may:

(1) In consultation with the Virginia Department of Environmental Quality, develop a Roanoke River Basin Water Supply plan that identifies future water supply needs in both the North Carolina and Virginia portions of the river basin. The water supply plan may provide the basis for determining water supply needs that could be met by reallocation of the water supply in John H. Kerr Reservoir.

(2) Include a recommendation for an agreement between the State of North Carolina, the Commonwealth of Virginia, and the United States Army Corps of Engineers that will provide guidance for allocations and reallocations of water supply in John H. Kerr Reservoir to enhance the public health, safety, and welfare by fostering efficient and sustainable use of the water that meets economic, environmental, and other goals.

(3) Identify and review any other issues the Department considers relevant to the topic.

SECTION 2.(b) in conducting this study, the Department shall consult with the Virginia Department of Environmental Quality, the United States Army Corps of Engineers, and any local government or other entity that receives an allocation from the John H. Kerr Reservoir for water supply or for other purposes as of the effective date of this section. The Department shall report its findings and recommendations to the Environmental Review Commission on or before June 1, 2014.