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SESSION 2025

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SENATE BILL DRS15257-CC-7

Short Title: Codify Lake Norman Marine Commission. (Public)

Sponsors: Senators Sawyer and Alexander (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO CODIFY THE LAKE NORMAN MARINE COMMISSION.

The General Assembly of North Carolina enacts:

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

"Article 6B.

"Lake Norman Marine Commission."

SECTION 1.(b) Chapter 1089 of the 1969 Session Laws, as amended by Section 3 of Chapter 494 of the 1991 Session Laws and Section 1 of Chapter 797 of the 1991 Session Laws, is codified in Article 6B of Chapter 77 of the General Statutes, as enacted by subsection (a) of this section, as follows:

<u>Section of 1969 Session Law</u>	<u>G.S. Section</u>
Section 1	G.S. 77-89.1
Section 2	G.S. 77-89.2
Section 3	G.S. 77-89.3
Section 4	G.S. 77-89.4
Section 5	G.S. 77-89.5
Section 6	G.S. 77-89.6
Section 7	G.S. 77-89.7
Section 8, as amended	G.S. 77-89.8
Section 9	G.S. 77-89.9

SECTION 1.(c) Article 6B of Chapter 77 of the General Statutes, as enacted by subsection (a) of this section and as amended by subsection (b) of this section, reads as rewritten:

"Article 6B.

"Lake Norman Marine Commission.

"§ 77-89.1. Definitions.

~~Unless the context clearly requires otherwise, the~~ The following definitions apply in this Act:
~~Article:~~

- (1) ~~Board:~~ Board. – The board of commissioners of one of the four counties.
- (2) ~~Commission:~~ Commission. – The Lake Norman Marine ~~Commission or its governing board, as the case may be.~~ Commission.
- (3) ~~Commissioner:~~ Member-Commissioner. – A member of the governing board of the Commission.
- (4) ~~Four counties:~~ Four counties. – Catawba, Iredell, Lincoln, and Mecklenburg Counties.



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- (5) ~~Joint resolution:~~ resolution. – A resolution substantially identical in content adopted separately by the board in each of the four counties.
- (6) ~~Lake Norman:~~ Norman. – The impounded body of water along the Catawba River in the four counties extending from the bridge crossing of Rural Road 1004 downstream to Cowans Ford Dam.
- (7) ~~Shoreline area:~~ area. – Except as modified by a joint resolution of the four counties, the area within the four counties lying within one mile of the mean high water line of Lake Norman. ~~In addition, the shoreline area shall include~~ This term also includes all islands within Lake Norman and all peninsulas extending into the waters of Lake Norman.
- (8) ~~Wildlife Commission:~~ Resources Commission. – The North Carolina Wildlife Resources ~~Commission.~~ Commission established under Article 24 of Chapter 143 of the General Statutes.

"§ 77-89.2. Creation of Commission authorized.

The counties of Catawba, Iredell, Lincoln, and Mecklenburg ~~are hereby authorized may~~ by joint resolution ~~to~~ create the Lake Norman Marine Commission. Upon its ~~creation~~ creation, the Commission ~~shall enjoy the powers and have the duties~~ has the powers, duties, and responsibilities conferred upon it by the joint resolution, subject to the provisions of this ~~Act.~~ Article. The provisions of any joint resolution may be modified, amended, or rescinded by a subsequent joint resolution. A county may unilaterally withdraw from participation as required by any joint resolution or the provisions of this ~~Act.~~ Article, once the Commission has been created, and any county may unilaterally withdraw from ~~said commission~~ the Commission at the end of any budget period. Upon the effectuation of ~~such the~~ withdrawal, the Commission is dissolved until reestablished under the provisions of this ~~Act~~ Article or any successor act, and all property of the Commission shall be distributed to or divided among the four counties and any other public agency or agencies serving the Lake Norman area in a manner deemed equitable by the four counties.

"§ 77-89.3. Terms of members.

(a) Upon its creation, the Commission ~~shall have~~ has a governing board of five commissioners. Except as otherwise provided for the first five-year period, each commissioner shall serve a five-year term, with commissioners to serve overlapping terms so that one commissioner appointment is made each year. Upon creation of the Commission, the board of Catawba County shall appoint two commissioners and the boards of the other three counties shall appoint one each. These initial appointees shall serve until September 30 following their appointment. Thereafter, appointments shall be made each October 1 by the respective boards of the four counties as follows:

- (1) First year: Commissioner from Catawba, one-year term; commissioner from Iredell, two-year term; commissioner from Lincoln, three-year term; commissioner from Mecklenburg, four-year term; commissioner from Catawba, five-year term.
- (2) Second year: Commissioner from Iredell, five-year term.
- (3) Third year: Commissioner from Lincoln, five-year term.
- (4) Fourth year: Commissioner from Mecklenburg, five-year term.
- (5) Fifth year: Commissioner from Catawba, five-year term.
- (6) Sixth and succeeding years: appointments for five-year terms in rotation by county in the order set out ~~above~~ in this subsection.

(b) In the event of death of a commissioner, resignation, incapacity or inability to serve, as determined by the board appointing ~~such the~~ commissioner, or removal of the commissioner for cause, as determined by the board appointing ~~such the~~ commissioner, the board ~~affected~~ may appoint another commissioner to fill the unexpired term.

"§ 77-89.4. Compensation; budgetary and accounting procedures.

1 The joint resolution of the four counties shall state the terms relating to the compensation ~~to~~
2 of commissioners, if any, compensation of consultants and staff members employed by the
3 Commission, and reimbursement of expenses incurred by commissioners, consultants, and
4 employees. The Commission ~~shall be~~ is governed by ~~such any~~ budgetary and accounting
5 procedures ~~as may be~~ specified by joint resolution.

6 **"§ 77-89.5. Organization and meetings.**

7 Upon creation of the Commission, its governing board shall meet at a time and place agreed
8 upon by the boards of the four ~~counties concerned.~~ counties. The commissioners shall elect a
9 ~~chairman chair~~ and ~~such any~~ other officers ~~as that they may~~ choose. All officers shall serve
10 one-year terms. The governing board shall adopt ~~such rules and regulations as it may deem~~
11 necessary, not inconsistent with the provisions of this ~~Act Article~~ or of any joint resolution, for
12 the proper discharge of its duties and for the governance of the Commission. The ~~chairman chair~~
13 may appoint ~~such committees as may be that have been~~ authorized by ~~such rules and regulations.~~
14 regulation. The Commission shall meet regularly at ~~such any~~ times and places ~~as may be~~ specified
15 in its ~~rules and regulations~~ or in any joint resolution. Special meetings may be called as specified
16 in the ~~rules and regulations.~~

17 **"§ 77-89.6. Powers of Commission; administrative provision.**

18 (a) Within the limits of funds available to it and subject to the provisions of this ~~Act~~
19 Article and of any joint resolution, the Commission ~~may~~ may do all of the following:

- 20 (1) Hire and ~~Fix fix~~ the compensation of permanent and temporary employees
21 and staff ~~as it may deem that are~~ necessary in carrying out its duties.
- 22 (2) Contract with consultants for ~~such services as it may require.~~ services.
- 23 (3) Contract with the State of North Carolina or the ~~Federal Government, federal~~
24 government, or any agency or department or subdivision thereof, ~~for such~~
25 ~~property or services as may be provided to or by such agencies, and carry out~~
26 ~~the provisions of such contracts or any other person.~~
- 27 (4) ~~Contract with persons, firms, and corporations generally as to all matters over~~
28 ~~which it has a proper concern, and carry out the provisions of such contracts.~~
- 29 (5)(4) Lease, rent, purchase, or otherwise obtain suitable quarters and office space
30 for its employees and staff, ~~staff~~ and lease, rent, purchase, or otherwise obtain
31 furniture, fixtures, aircraft, vessels, vehicles, firearms, uniforms, and other
32 supplies and equipment ~~necessary or desirable for carrying out the duties~~
33 ~~imposed in or under the authority of this Act.~~ equipment.
- 34 (6)(5) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair,
35 and replace, either on its own or in cooperation with other public or private
36 agencies or individuals, any of the following: parks, shoreline and water
37 recreational areas, swimming pools and swimming areas, marinas, fishing
38 piers, boat docks, boating and fishing access areas, navigation aids, waterway
39 markers, public information signs and notices, and other items of real and
40 personal property designed to enhance public recreation, public safety in Lake
41 Norman and its shoreline area, or protection of property in the shoreline area.

42 (b) The Commission may accept, receive, and disburse in furtherance of its functions any
43 funds, grants, services, or property made available by the ~~Federal Government federal~~
44 government or its agencies or subdivisions, by the State ~~Government~~ or its agencies or
45 subdivisions, or by private and civic sources.

46 (c) The boards of the four counties may appropriate funds to the Commission out of
47 surplus funds or funds derived from nontax sources. They may also appropriate funds out of tax
48 revenues and may ~~also levy~~ annually levy taxes for the payment of ~~such the~~ appropriation as a
49 special purpose, ~~in addition to any allowed by the Constitution.~~ purpose.

50 (d) The Commission ~~shall be~~ is subject to ~~such any~~ audit requirements ~~as may be~~
51 specified in any joint resolution.

(e) ~~In carrying out some or all of its duties and in either in addition to or in lieu of exercising various provisions of the above authorizations, the~~ The Commission may, with the agreement of the board of the county concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the four counties. ~~Such~~ A contribution in kind, if substantial, ~~may~~ kind may, with the agreement of the other three ~~counties~~ counties, be deemed to ~~substitute a substitute~~, in whole or in ~~part~~ part, for the financial contribution required of ~~such the~~ county in support of the Commission.

(f) Unless otherwise specified by joint resolution, each of the four counties shall annually contribute an equal financial contribution to the Commission in an amount appropriate to support the activities of the Commission in carrying out its duties.

"§ 77-89.7. Filing and publication of joint resolutions.

(a) A copy of the joint resolution creating the Commission and of any joint resolution amending or repealing the joint resolution creating the Commission shall be filed with the Executive Director of the Wildlife Resources Commission. When the Executive Director receives resolutions that are in substance identical from all four counties concerned, the Executive Director shall within ten days so certify and distribute a certified single resolution text to the following:

(1) The Secretary of State.

(2) ~~The Director of the Department of Local Affairs.~~

~~(3)~~(2) The clerk to the board of county commissioners of each of the four counties.

~~(4)~~(3) The clerk of superior court of each of the four counties.

Upon request, the Executive Director shall also send a certified single copy of any and all applicable joint resolutions to the ~~chairman~~ chair of the Commission.

(b) Unless a joint resolution specifies a later date, it ~~shall take~~ takes effect when the Executive Director's certified text has been submitted to the Secretary of State for filing. Certifications of the Executive Director under the seal of the Commission as to the text or amended text of any joint resolution and of the date ~~or dates~~ of submission to the Secretary of State ~~shall be~~ are admissible in evidence in any court. Certifications by any clerk of superior court of the text of any certified resolution filed with ~~him~~ the clerk by the Executive Director ~~shall also be~~ are also admissible in ~~evidence~~ evidence, and the Executive Director's submission of the resolution for filing to the clerk ~~shall constitute~~ constitutes prima facie evidence that ~~such the~~ resolution was on the date of submission also submitted for filing with the Secretary of State. Except for the certificate of a clerk as to receipt and date of submission, no evidence ~~may~~ shall be admitted in court concerning the submission of the certified text of any resolution by the Executive Director to any person other than the Secretary of State.

"§ 77-89.8. Regulatory authority.

(a) Except as limited ~~in subsection (b) below, by~~ subsection (c) of this section, by restrictions in any joint resolution, ~~and or by other supervening provisions of law, the~~ Commission may make regulations applicable to Lake Norman and its shoreline area concerning all matters relating to or affecting public recreation and water safety. These regulations ~~may~~ shall not conflict with ~~or supersede provisions of general or special Acts or of regulations of State agencies promulgated under the authority of general law. State law.~~ In lieu of or in addition to ~~passing regulations supplementary to State law and regulations concerning the operation of vessels on Lake Norman, these regulations,~~ the Commission may, after public notice, request that the Wildlife Resources Commission pass ~~local regulations~~ rules on this subject in accordance with the procedure established in G.S. 75A-15.

(b) Violation of any regulation of the Commission commanding or prohibiting an act ~~shall be a misdemeanor or is~~ punishable by a fine ~~civil penalty~~ not to exceed five hundred dollars (\$500.00) per violation.

(c) ~~The regulations promulgated under this Section take effect upon passage or upon such dates as may be stipulated in the regulations except that no regulation may~~ No regulation adopted

under this section shall be enforced unless adequate notice of the regulation has been posted in or on Lake Norman or its shoreline area. Adequate notice as to a regulation affecting only a particular location may be by a sign, uniform waterway marker, posted notice, or other effective method of communicating the essential provisions of the regulation in the immediate vicinity of the location in question. ~~Where location.~~ If a regulation applies generally as to Lake Norman or its shoreline area, or both, there ~~must~~ shall be a posting of notices, signs, or markers communicating ~~the~~ its essential provisions in at least three different places throughout the area.

(d) A copy of each regulation ~~promulgated under this Section must~~ adopted under this section shall be filed by the Commission with the following persons:

(1) The Secretary of State, ~~in accordance with G.S. 143-195 to 198.~~ State.

(2) The clerk of superior court of each of the four ~~counties, in accordance with G.S. 143-198.1.~~ counties.

(3) The Executive Director of the Wildlife Resources Commission.

(4) ~~The Director of the Department of Local Affairs.~~

(e) Any official designated in subsection (d) ~~above of this section~~ may issue certified copies of regulations filed with him ~~under the seal of his office.~~ Such the official. The certified copies may be received in evidence in any proceeding.

(f) Publication and filing of regulations ~~promulgated under this Section as required above~~ is adopted under this section are for informational purposes and ~~shall not be~~ are not a prerequisite to their validity if they in fact have been ~~duly promulgated, adopted,~~ the public has been notified as to ~~the substance of the regulations, their substance,~~ a copy of the text of all regulations is in fact available to any person ~~who that~~ may be affected, and no party to any proceeding has been prejudiced by any defect ~~that may exist~~ with respect to publication and filing. ~~Rules and regulations promulgated~~ Regulations adopted by the Commission under the provisions of other sections of this ~~Act Article~~ relating to internal governance of the Commission ~~need not are not required to~~ be filed or published. ~~Where~~ If posting of any sign, notice, or marker or the making of other communication is essential to the validity of a ~~regulation duly promulgated, regulation,~~ it shall be ~~is~~ presumed in any proceeding that proper notice was given and maintained and the burden ~~shall lie~~ lies upon the party asserting to the contrary to prove lack of adequate notice of ~~any the~~ regulation.

(g) Under authorization of a joint resolution, and subject to the limitations of this section, the Commission may regulate personal watercraft operation in Lake Norman and from its ~~shoreline.~~ shoreline area.

"§ 77-89.9. Enforcement.

(a) ~~Where~~ If a joint resolution so provides, all law enforcement officers (or ~~such any~~ officers ~~as may be~~ designated in the joint resolution) with territorial jurisdiction as to any part of Lake Norman or its shoreline ~~area shall, area,~~ within the limitations of their subject matter jurisdiction, have the authority of peace officers in enforcing the laws over all of Lake Norman and its shoreline area.

(b) ~~Where~~ If a joint resolution so provides, the Commission may hire special officers to patrol and enforce the laws on Lake Norman and its shoreline area. ~~Such These~~ special officers shall have ~~and exercise~~ all the powers of peace officers generally within ~~the area in question and this area.~~ These special officers shall take the ~~oaths~~ oath of a law enforcement officer and ~~be are~~ subject to all provisions of law relating to law enforcement officers.

(c) Unless a joint resolution provides to the contrary, all courts in the four counties, within the limits of their subject matter jurisdiction, ~~shall have~~ concurrent jurisdiction as to all criminal offenses arising within the boundaries of Lake Norman and its shoreline area.

(d) ~~Where~~ If a law enforcement officer with jurisdiction over any part of Lake Norman or its shoreline area is performing duties relating to the enforcement of the laws on Lake Norman or in its shoreline area, ~~he shall have such the~~ officer also has any extra-territorial jurisdiction as

may be ~~that is~~ necessary to perform ~~such these~~ duties. These duties include ~~investigations any of~~ the following:

- (1) Investigations of crimes an officer reasonably believes have been, or are about to be, committed within the ~~area in question; traversing area.~~
 - (2) Traversing by reasonable routes from one portion of ~~such the~~ area to another ~~although across territory not within the boundaries of Lake Norman and its shoreline area; conducting~~ portion even if the route is not contained within the ~~area.~~
 - (3) Conducting prisoners in custody to ~~such a court or detention facilities as may be authorized by law, although this may involve going outside the area in question; execution facility~~ even if the court or facility is not within the area.
 - (4) Execution of process connected with any criminal offense alleged to have been committed within the ~~boundaries in question, except that such process may not be executed by virtue of this provision~~ area. This subdivision, ~~however, does not apply beyond the boundaries of the four continuing counties; counties.~~
 - (5) Continuing pursuit of and arresting any violator or suspected violator ~~as to which whose~~ grounds for arrest arose within the ~~area in question. Where~~ area.
- (e) If any law enforcement officers are given additional territorial jurisdiction under ~~the provisions of this Section, this section, this shall be act is~~ deemed an extension of the duties of the office held and no officer shall take any additional oath or title of office."

SECTION 1.(d) G.S. 77-113 reads as rewritten:

"§ 77-113. Membership; terms of office; eligibility for appointment; meetings.

(a) The Catawba/Wateree River Basin Advisory Commission shall be composed of 15 members as follows:

...

- (10) One person to represent the following commissions, appointed jointly by the three ~~chief executive officers chairs~~ of the commissions: the Lake Wylie Marine Commission established pursuant to Article 4 of Chapter 77 of the General Statutes, the Mountain Island Lake Marine Commission established pursuant to Article 6 of Chapter 77 of the General Statutes, and the Lake Norman Marine Commission established pursuant to ~~Chapter 1089 of the 1969 Session Laws~~ Article 6B of Chapter 77 of the General Statutes.

...

(c) Each member appointed to the commissions pursuant to subdivisions (1) and (2) of subsections (a) and (b) of this section shall serve at the pleasure of the appointing authority so long as the member remains a Representative or Senator. Each member appointed to the commissions pursuant to subdivisions (3) and (4) of subsections (a) and (b) of this section shall serve as provided by the General Assembly of South Carolina. Each member appointed to the commissions pursuant to subdivisions (7) through (9) of subsection (a) and subdivisions (8) through (10) of subsection (b) of this section shall serve for so long as the member continues in the qualifying position or, if the member is a designee, at the pleasure of the designating authority. Each member appointed to the commissions pursuant to subdivisions (6) and (10) of subsection (a) and subdivisions (7) and (11) of subsection (b) of this section shall serve a term of two years and may be reappointed to serve no more than three consecutive full terms or 84 consecutive months, whichever is greater. The term of a person appointed to the commission pursuant to subdivision (10) of subsection (a) of this section ~~shall expire expires~~ on 1 January of even-numbered years. The term of a person appointed to the commission pursuant to subdivision (6) of subsection (a) of this section ~~shall expire expires~~ on 1 January of odd-numbered years. The term of a member who is appointed to the commissions pursuant to subdivisions (5) and (11) of subsection (a) and subdivisions (5) and (6) of subsection (b) of this section shall serve as provided

1 by the General Assembly of South Carolina. An appointment to fill a vacancy on the commissions
2 shall be for the unexpired portion of the term. A vacancy on the commissions shall be filled in
3 the same manner as the original appointment. Members of the commissions who are appointed
4 from or reside in North Carolina may be removed by the Governor of North Carolina for
5 misfeasance, malfeasance, or nonfeasance, as provided in G.S. 143B-13.

6 ...

7 (f) Each commission shall meet upon the call of the Chair. A majority of each
8 commission ~~shall constitute~~ constitutes a quorum for the transaction of business.

9"

10 **SECTION 2.** This act is effective when it becomes law.