

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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**HOUSE BILL 23
Senate State and Local Government Committee Substitute Adopted 5/22/25
Third Edition Engrossed 6/4/25**

Short Title: Various State and Local Gov't Provisions. (Public)

Sponsors:

Referred to:

January 30, 2025

A BILL TO BE ENTITLED
AN ACT TO ALLOW STANLY COMMUNITY COLLEGE TO OPERATE AN OFF MAIN
CAMPUS CULINARY PROGRAM, TO AUTHORIZE THE GULLAH GEECHEE
HERITAGE TRAIL IN BRUNSWICK COUNTY, TO PROVIDE FOR THE TRANSFER
OF STATE PROPERTY TO THE TOWN OF BURGAW, TO AUTHORIZE THE
ADDITION OF THE SOUTH FORK PASSAGE STATE TRAIL TO THE STATE PARKS
SYSTEM, AND TO CODIFY THE LAKE NORMAN MARINE COMMISSION.

The General Assembly of North Carolina enacts:

**PART I. STANLY COMMUNITY COLLEGE OFF MAIN CAMPUS CULINARY
PROGRAM**

SECTION 1.1. Section 9.15 of S.L. 2017-57 is repealed.

PART II. GULLAH GEECHEE HERITAGE TRAIL

SECTION 2.1. The General Assembly authorizes the Gullah Geechee Greenway/Blueway Heritage Trail (Heritage Trail) in Brunswick County. The State shall support, promote, encourage, and facilitate the establishment of trail segments on State park lands and on lands of other federal, State, local, and private landowners. On segments of the Heritage Trail that cross property controlled by agencies or owners other than the State, the laws, rules, and policies of those agencies or owners shall govern the use of the property.

PART III. STATE PROPERTY TRANSFER TO THE TOWN OF BURGAW

SECTION 3.1. The State of North Carolina shall convey to the Town of Burgaw, for consideration of one dollar (\$1.00), all its rights, titles, and interests in approximately 11 acres of the approximately 355.73 acre parcel identified with Land Asset ID 6095 in the inventory of State-owned land maintained by the Department of Administration pursuant to G.S. 143-341. This is the same property identified with PIN Number 3229-04-1665-0000, as seen in the Office of the Tax Administrator in Pender County, and is described in part in Deed Book 211, Page 279 and Deed Book 922, Page 191 in the Pender County Register of Deeds. The Department of Administration, in consultation with the Town of Burgaw, shall determine specifically which portion of the land described in this section shall be transferred pursuant to this section.

SECTION 3.2. The conveyance pursuant to Section 3.1 of this Part is subject to a reversionary interest reserved by the State. The property shall be conveyed to the Town of Burgaw for so long as it is utilized for public purposes.



SECTION 3.3. The State of North Carolina shall convey the real property described in Section 3.1 of this Part "as is" and "where is" without warranty. The State makes no representations or warranties concerning the title to the property, the boundaries of the property, the uses to which the property may be put, zoning, local ordinances, or any physical, environmental, health, and safety conditions relating to the property. All costs associated with the conveyance of the property shall be borne by the Town of Burgaw.

SECTION 3.4. The conveyance of the State's rights, titles, and interests in the real property described in Section 3.1 of this Part shall be exempt from the provisions of Article 7 of Chapter 146 of the General Statutes. The conveyance shall comply with the provisions of Article 16 of Chapter 146 of the General Statutes, provided that the provisions of G.S. 146-74 shall not apply.

PART IV. AUTHORIZE ADDING SOUTH FORK PASSAGE STATE TRAIL TO THE STATE PARKS SYSTEM

SECTION 4.1. The General Assembly finds:

- (1) The proposed South Fork Passage Trail corridor offers numerous economic benefits by expanding and enhancing the existing tourism industry. The diverse hydrology of the river in the corridor includes shoals, flatwater, class II rapids, and river tributaries that support a variety of recreational uses.
- (2) The South Fork Passage Trail corridor is home to Spencer Mountain, the third highest peak in the Charlotte region, and the corridor passes through terrain that is emblematic of the Piedmont region of the State.
- (3) The South Fork Passage Trail corridor also contains ecologically important habitat, including diverse wetlands, hardwood forests, and grasslands, that support numerous State and federal threatened or endangered species.
- (4) The creation of a 60-mile hiking and paddling trail connecting Jacob Fork Park in Catawba County through Betty G. Ross Park in Lincoln County to George Poston Park, Goat Island Park, and Daniel Stowe Botanical Garden in Gaston County would expand existing recreational offerings and support ongoing efforts to conserve the South Fork of the Catawba River watershed.

SECTION 4.2. The General Assembly authorizes the Department of Natural and Cultural Resources (Department) to add the South Fork Passage Trail in Catawba, Lincoln, and Gaston Counties to the State Parks System as a State trail, as provided in G.S. 143B-135.54(b). The trail, which will run alongside the South Fork River, shall begin at the confluence of the Henry Fork and Jacob Fork at Jacob Fork Park and end at the boundary between the State and South Carolina on Lake Wylie.

SECTION 4.3. The Department shall support, promote, encourage, and facilitate the establishment of trail segments on State Park lands and on lands of other federal, State, local, and private landowners. On segments of the South Fork Passage State Trail that cross property controlled by agencies or owners other than the Department's Division of Parks and Recreation, the laws, rules, and policies of those agencies or owners shall govern the use of the property.

SECTION 4.4. The requirement of G.S. 143B-135.54(b) that additions be accompanied by adequate appropriations for land acquisition, development, and operations shall not apply to the authorization set forth in this Part; provided, however, that the State may receive donations of appropriate land and may purchase other needed lands for the South Fork Passage State Trail with existing funds in the Land and Water Fund, the Parks and Recreation Trust Fund, the Complete the Trails Fund, the federal Land and Water Conservation Fund, and other available sources of funding.

PART V. CODIFY LAKE NORMAN MARINE COMMISSION

SECTION 5.1.(a) Chapter 77 of the General Statutes is amended by adding a new Article to read:

"Article 6B.

"Lake Norman Marine Commission."

SECTION 5.1.(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:

Section of 1969 Session Law

G.S. Section

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. 77-89.10

SECTION 5.1.(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 publicly elected governing board of one of the four counties participating local governments.~~
- (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 Lake Norman Marine Commission.~~
- (4) Eligible local governments. – Each of the four counties.
- ~~(4)(5)~~ Four counties: Four counties. – Catawba, Iredell, Lincoln, and Mecklenburg Counties.
- ~~(5)(6)~~ Joint resolution: resolution. – A resolution substantially identical in content adopted separately by the board in of each of the four counties participating local governments.
- ~~(6)(7)~~ 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 base of Lookout Shoals Dam downstream to Cowans Ford Dam. Dam and lying below the full pond elevation of 760 feet above mean sea level based on the National Geodetic Vertical Datum of 1929.
- (8) Participating local government. – Any of the eligible local governments that have adopted a resolution to participate in the Commission and have not withdrawn.
- ~~(7)(9)~~ Shoreline area: area. – Except as modified by a joint resolution of the four counties, participating local governments, the area within the four counties lying within one mile 50 feet landward of the mean high water line full pond elevation contour 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)(10) Wildlife Commission; Resources Commission. – The North Carolina Wildlife Resources Commission established under Article 24 of Chapter 143 of the General Statutes.~~

"§ 77-89.2. Creation of Commission authorized.

~~"(a) The counties of Catawba, Iredell, Lincoln, and Mecklenburg are hereby authorized Three or more of the eligible local governments may by joint resolution to create the Lake Norman Marine Commission. Upon its 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. The purpose of the Lake Norman Marine Commission is to ensure the coordinated governance applicable to Lake Norman and its shoreline area concerning all matters related to public recreation and water quality and safety.~~

~~(b) A county-participating local government 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-participating local government may unilaterally withdraw from said commission at the end of any budget period. the Commission by resolution of its board upon the conclusion of the informal settlement discussion provided in subsection (b1) of this section, not to exceed 90 days after the participating local government delivers to the Commission its notice of intent to withdraw.~~

~~(b1) Upon providing the Commission with notice of intent to withdraw, the participating local government and the Commission shall jointly appoint a mediation officer. The mediation officer shall make a reasonable effort to initiate settlement discussions between the participating local government and all other interested parties.~~

~~(c) Upon withdrawing from the Commission, a local government is no longer obligated to continue any financial or in-kind support of the Commission. By joint resolution of the participating local governments, presented to and approved by the Commission, an eligible local government may rejoin the Commission as a participating local government.~~

~~(d) Upon If upon the effectuation of such withdrawal, the withdrawal there are fewer than three counties that remain as participating local governments, 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-participating local governments and any other public agency or agencies serving the Lake Norman area in a manner deemed equitable by the four counties-participating local governments.~~

~~(e) Any rule, regulation, decision, or advisory action taken by the Commission pertaining to the shoreline area shall only apply within those counties that are participating local governments.~~

"§ 77-89.3. ~~Terms of members.~~Membership; terms of office; eligibility for appointment.

~~(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: comprised of members appointed in accordance with subsections (b) and (c) of this section.~~

~~(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.~~

(b) For the initial appointments, each participating local government shall appoint one commissioner to serve a four-year term and a second commissioner to serve a five-year term. Except as otherwise provided for the initial appointments, each commissioner shall serve a five-year term.

(c) Those commissioners appointed by participating local governments in accordance with subsection (b) of this section shall appoint one commissioner to a five-year term who shall serve a one-year term as chair of the Commission. Each succeeding four years, the Commission shall elect a new chair from the current commissioners to serve a one-year term. At the end of each fourth year, the commissioners appointed by participating local governments in accordance with subsection (b) of this section shall repeat the process of electing a chair as provided in this subsection.

(d) Participating local governments shall appoint individuals who possess one or more of the following qualifications:

(1) Has a primary residence adjoining Lake Norman.

(2) Has knowledge of boater safety protocols for all types of vessels.

(3) Has knowledge of water quality and aquatic vegetation management.

(4) Has experience in law enforcement.

(5) Has experience in public recreation management.

(6) Has experience in wildlife resources management.

(e) No more than thirty-five percent (35%) of the commissioners serving at any given time may reside in the same county.

(f) No commissioner serving at any time may own a controlling interest in a business that is dependent on income generated from Lake Norman. No more than thirty-five percent (35%) of the commissioners serving at any given time may do any of the following:

(1) Have an ownership interest in any property adjoining the shoreline area of Lake Norman.

(2) Have an ownership interest in or be employed by any business that generates income from Lake Norman.

(3) Have an ownership interest in or be employed by a business that has an ownership interest in property adjoining the shoreline area of Lake Norman.

(g) Each commissioner shall complete a written disclosure statement by January 31 of each year that identifies any conflicts of interest he or she has, including any conflicts identified in subsection (f) of this section. These annual disclosures shall be posted on a public website maintained by the Commission by January 31 each year.

(h) The primary residence for all nine commissioners must be located in one of the four counties and reside in such primary residence a minimum of nine months of every calendar year.

(i) 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.

No commissioner shall receive compensation in the form of salary, wages, fees, or other forms of compensation for serving as a commissioner. The joint resolution of the ~~four counties~~

participating local governments shall state the terms relating to ~~compensation to commissioners,~~
if any, the compensation of consultants and staff members employed by the Commission, and
reimbursement of expenses incurred by commissioners, consultants, and employees. The
Commission ~~shall be~~ is governed by ~~such any~~ budgetary and accounting procedures as may be
specified by joint resolution.

"§ 77-89.5. Organization and meetings.

(a) Upon creation of the Commission, its governing board shall meet at a time and place
agreed upon by the boards of the ~~four counties concerned. participating local governments.~~ The
commissioners shall elect a ~~chairman chair~~ and ~~such any~~ other officers as ~~that they may choose.~~
~~choose, except that no commissioner may serve as chair for more than two consecutive terms.~~
All officers shall serve one-year terms. The governing board shall adopt ~~such rules and~~
regulations as it may deem necessary, not inconsistent with the provisions of this Act ~~Article~~ or
of any joint resolution, for the proper discharge of its duties and for the governance of the
Commission. The ~~chairman chair~~ may appoint ~~such committees as may be that have been~~
authorized by ~~such rules and regulations. regulation.~~ The Commission shall meet regularly at
~~such any~~ times and places as may be specified in its ~~rules and regulations~~ or in any joint
resolution. Special meetings may be called as specified in the ~~rules and regulations.~~

(b) The Commission is subject to the requirements of Chapter 132 of the General Statutes
and Article 33C of Chapter 143 of the General Statutes. All records produced or maintained by
the Commission are public records as defined in G.S. 132-1. The Commission shall maintain a
public website providing the public access to its public records.

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

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

- (1) Hire and ~~Fix fix~~ the compensation of permanent and temporary employees
and staff as it may deem that are necessary in carrying out its duties.
- (2) Contract with consultants for ~~such services as it may require. services.~~
- (3) Contract with the State of North Carolina or the ~~Federal Government, federal~~
~~government,~~ or any agency or department or subdivision thereof, ~~for such~~
~~property or services as may be provided to or by such agencies, and carry out~~
~~the provisions of such contracts. or any other person.~~
- (4) Contract with persons, firms, and corporations generally as to all matters over
which it has a proper concern, and carry out the provisions of such contracts.
- ~~(5)~~(4) Lease, rent, purchase, or otherwise obtain suitable quarters and office space
for its employees and staff, ~~staff~~ and lease, rent, purchase, or otherwise obtain
furniture, fixtures, aircraft, vessels, vehicles, firearms, uniforms, and other
supplies and ~~equipment necessary or desirable for carrying out the duties~~
~~imposed in or under the authority of this Act. equipment.~~
- ~~(6)~~(5) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair,
and replace, either on its own or in cooperation with other public or private
agencies or individuals, any of the following: parks, shoreline and water
recreational areas, swimming pools and swimming areas, marinas, fishing
piers, boat docks, boating and fishing access areas, navigation aids, waterway
markers, public information signs and notices, and other items of real and
personal property designed to enhance public recreation, public safety in Lake
Norman and its shoreline area, or protection of property in the shoreline area.
- (6) Assess fees as provided in G.S. 77-89.9, except as limited by any other
provisions of State or federal law.
- (7) Request the Department of Environmental Quality to add certain species of
vegetation and algae, as specifically applicable to Lake Norman and its
shoreline area, to the Aquatic Weed Control Program.

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

(c) The boards of the ~~four counties participating local governments~~, municipalities, and towns bordering Lake Norman may appropriate funds to the Commission out of surplus funds or funds derived from nontax sources. They may also appropriate funds out of tax revenues and may ~~also levy annually~~ levy taxes for the payment of ~~such the~~ the appropriation as a special ~~purpose~~, in addition to any allowed by the Constitution purpose.

(d) The Commission ~~shall be~~ is subject to ~~such any~~ any audit requirements ~~as may be~~ 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 participating local governments. A contribution in kind, if substantial, ~~may kind may~~, with the agreement of the other ~~three counties participating local governments~~, be deemed ~~to substitute a~~ substitute, in whole or in ~~part part~~, for the financial contribution required of ~~such county the~~ the participating local government in support of the Commission.

(f) Unless otherwise specified by joint resolution, each of the ~~four counties participating local governments~~ 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.

(g) Before the close of each fiscal year, the Commission shall prepare a budget for the ensuing year for consideration by the boards of each participating local government for approval. Upon receiving the budget from the Commission, the board of each participating local government shall consider the budget and make recommendations as to any changes it deems advisable. Each participating local government shall complete its action on the Commission's budget on or before the beginning of the Commission's fiscal year, or such later date as specified by joint resolution.

"§ 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~~, participating local governments, 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 each of the ~~four counties~~ participating local governments.

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

(4) The Secretary of the Department of Commerce.

(5) The Secretary of the Department of Environmental Quality.

(6) A news outlet serving a general audience throughout 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

1 court of the text of any certified resolution filed with ~~him~~ the clerk by the Executive Director
2 ~~shall also be~~ are also admissible in evidence ~~evidence~~, and the Executive Director's submission
3 of the resolution for filing to the clerk ~~shall constitute~~ constitutes prima facie evidence that ~~such~~
4 ~~the resolution~~ was on the date of submission also submitted for filing with the Secretary of State.
5 Except for the certificate of a clerk as to receipt and date of submission, no evidence ~~may~~ shall
6 be admitted in court concerning the submission of the certified text of any resolution by the
7 Executive Director to any person other than the Secretary of State.

8 (c) Each participating local government shall incorporate a copy of the text of every joint
9 resolution in its local code of ordinances, as maintained in accordance with G.S. 153A-49 or
10 G.S. 160A-77.

11 "**§ 77-89.8. Regulatory authority.**

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

23 (a1) Notwithstanding G.S. 75A-16.2, the Commission may require any person born on or
24 after January 1, 1988, to complete a boating education course, approved by the National
25 Association of Safe Boating Law Administrators (NASBLA) and accepted by the Wildlife
26 Resources Commission, to operate a motorized watercraft of 20 horsepower or greater on Lake
27 Norman.

28 (b) Violation of any regulation of the Commission commanding or prohibiting an act
29 ~~shall be a misdemeanor punishable by a fine is a Class 3 misdemeanor, which shall include a fine~~
30 ~~of not less than two hundred dollars (\$200.00) but not more than not to exceed five hundred~~
31 ~~dollars (\$500.00) per violation. (\$500.00).~~

32 (c) ~~The regulations promulgated under this Section take effect upon passage or upon such~~
33 ~~dates as may be stipulated in the regulations except that no regulation may~~ No regulation adopted
34 under this section shall be enforced unless adequate notice of the regulation has been posted in
35 or on Lake Norman or its shoreline area. Adequate notice as to a regulation affecting only a
36 particular location may be by a sign, uniform waterway marker, posted notice, or other effective
37 method of communicating the essential provisions of the regulation in the immediate vicinity of
38 the location in question. Where location. If a regulation applies generally as to Lake Norman or
39 its shoreline area, or both, there must ~~shall~~ be a posting of notices, signs, or markers
40 communicating the its essential provisions in at least three different places throughout the area.

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

- 43 (1) The Secretary of State, in accordance with G.S. 143-195 to 198. ~~State.~~
- 44 (2) The clerk of superior court of each of the four counties, in accordance with
45 G.S. 143-198.1. ~~counties.~~
- 46 (3) The Executive Director of the Wildlife Resources Commission.
- 47 (4) ~~The Director of the Department of Local Affairs.~~ The Secretary of the
48 Department of Commerce.
- 49 (5) The Secretary of the Department of Environmental Quality.

(6) The General Manager of Water Strategy, Hydro Licensing & Lake Services for the federal licensee of the Catawba-Wateree Hydro Project (FERC Project No. 2232).

(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.

(e1) Each participating local government shall incorporate a copy of the text of every regulation adopted by the Commission in its local code of ordinances, as maintained in accordance with G.S. 153A-49 or G.S. 160A-77.

(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.

"§ 77-89.10. 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 area,~~ including any applicable ordinances or regulations adopted by local governments.

(b) ~~Where 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 special officers shall have and exercise all the powers of peace officers generally within the area in question and shall take the oaths and be 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~~ area.

(e) ~~Where~~ If any law enforcement officers are given additional territorial jurisdiction under the provisions of this Section, this section, this shall be section is deemed an extension of the duties of the office held and no officer shall take any additional oath or title of office."

SECTION 5.1.(d) Article 6B of Chapter 77 of the General Statutes, as enacted by subsection (a) of this section and amended by subsections (b) and (c) of this section, is amended by adding a new section to read:

"§ 77-89.9. Fees.

(a) Except as limited by any other provisions of State or federal law, the Commission may assess fees related only to the following:

- (1) Participation in education, training, or certification services provided by the Commission.
- (2) Use of facilities owned or operated by the Commission.
- (3) Application for a permit administered by the Commission to regulate privileged or special uses of Lake Norman and its shoreline area.

(b) In setting fee amounts to be charged for activities provided in subsection (a) of this section, the Commission shall not do any of the following:

- (1) Set a fee in an excessive amount that is neither reasonable nor customary for the services and privileges provided by the Commission.
- (2) Set a fee in an amount that exceeds the Commission's actual costs for the service provided.
- (3) Charge fees for general access to or use of Lake Norman or its shoreline area.
- (4) Discriminate on the basis of race, color, sex, religious creed, or national origin.

(c) Each year by January 31, the Commission shall produce a publicly available and auditable report that includes an accounting of all of its fee collections and funding from other sources compared to its program-specific expenses during the prior calendar year. This annual financial report shall include adequate detail to determine that the Commission has met each of the requirements of this section, accompanied by a formal written certification of the same by the chair of the Commission. If there is a surplus of fee collections or funding in a given calendar year, it shall be applied to program-specific expenses for the next calendar year."

SECTION 5.2. G.S. 138A-3 reads as rewritten:

"§ 138A-3. Definitions.

The following definitions apply in this Chapter:

- ...
- (70) Public servants. – All of the following:
- ...
- w. Commissioners appointed to the Lake Norman Marine Commission.
-"

SECTION 5.3. 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:

1 ...

2 (10) One person to represent the following commissions, appointed jointly by the
3 three ~~chief executive officers~~ chairs of the commissions: the Lake Wylie
4 Marine Commission established pursuant to Article 4 of Chapter 77 of the
5 General Statutes, the Mountain Island Lake Marine Commission established
6 pursuant to Article 6 of Chapter 77 of the General Statutes, and the Lake
7 Norman Marine Commission established pursuant to ~~Chapter 1089 of the~~
8 ~~1969 Session Laws~~ Article 6B of Chapter 77 of the General Statutes.

9 ...

10 (c) Each member appointed to the commissions pursuant to subdivisions (1) and (2) of
11 subsections (a) and (b) of this section shall serve at the pleasure of the appointing authority so
12 long as the member remains a Representative or Senator. Each member appointed to the
13 commissions pursuant to subdivisions (3) and (4) of subsections (a) and (b) of this section shall
14 serve as provided by the General Assembly of South Carolina. Each member appointed to the
15 commissions pursuant to subdivisions (7) through (9) of subsection (a) and subdivisions (8)
16 through (10) of subsection (b) of this section shall serve for so long as the member continues in
17 the qualifying position or, if the member is a designee, at the pleasure of the designating
18 authority. Each member appointed to the commissions pursuant to subdivisions (6) and (10) of
19 subsection (a) and subdivisions (7) and (11) of subsection (b) of this section shall serve a term of
20 two years and may be reappointed to serve no more than three consecutive full terms or 84
21 consecutive months, whichever is greater. The term of a person appointed to the commission
22 pursuant to subdivision (10) of subsection (a) of this section ~~shall expire~~ expires on 1 January of
23 even-numbered years. The term of a person appointed to the commission pursuant to subdivision
24 (6) of subsection (a) of this section ~~shall expire~~ expires on 1 January of odd-numbered years. The
25 term of a member who is appointed to the commissions pursuant to subdivisions (5) and (11) of
26 subsection (a) and subdivisions (5) and (6) of subsection (b) of this section shall serve as provided
27 by the General Assembly of South Carolina. An appointment to fill a vacancy on the commissions
28 shall be for the unexpired portion of the term. A vacancy on the commissions shall be filled in
29 the same manner as the original appointment. Members of the commissions who are appointed
30 from or reside in North Carolina may be removed by the Governor of North Carolina for
31 misfeasance, malfeasance, or nonfeasance, as provided in G.S. 143B-13.

32 ...

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

35"

36 **SECTION 5.4.** The initial appointments to the governing board of the Lake Norman
37 Marine Commission will become effective on the date that is seven calendar days following the
38 adoption by three or more eligible local governments of a joint resolution reconstituting the Lake
39 Norman Marine Commission.

40 **SECTION 5.5.** All rules, regulations, and decisions made by the predecessor Lake
41 Norman Marine Commission, reconstituted in accordance with this Part, shall remain in full force
42 and effect until and unless duly modified by the successor entity.

43 44 **PART VI. EFFECTIVE DATE**

45 **SECTION 6.1.** Except as otherwise provided, this act is effective when it becomes
46 law.