

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

D

HOUSE BILL 972
PROPOSED SENATE COMMITTEE SUBSTITUTE H972-PCS70582-RI-76

Short Title: Create Uwharrie Regional Resources Comm'n.

(Public)

Sponsors:

Referred to:

April 2, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE UWHARRIE REGIONAL RESOURCES COMMISSION AS A PERMANENT BODY CORPORATE OF THE STATE TO FOSTER ECONOMIC DEVELOPMENT AND PROTECT AND ENHANCE THE NATURAL RESOURCES OF THAT REGION.

The General Assembly of North Carolina enacts:

SECTION 1. The General Statutes are amended by adding a new Chapter to read:

"Chapter 153C.

"Uwharrie Regional Resources Act.

"§ 153C-1. Short title; findings; purpose.

(a) Short Title. – This Chapter shall be known and may be cited as the "Uwharrie Regional Resources Act."

(b) Findings. – The General Assembly finds that:

(1) The beauty and abundant natural resources of the Uwharrie region of North Carolina are prized by all North Carolinians. Millions of tourists travel to the Uwharrie region of North Carolina to see and experience the natural beauty of the region, including: the vistas near Uwharrie National Forest and Morrow Mountain State Park; scenic lakes and rivers including Badin, High Rock, and Tuckertown Lakes, and the Uwharrie, Yadkin, and Pee Dee Rivers; as well as nearby attractions, including the North Carolina Zoological Park and the Seagrove area potteries. This tourism is vitally important to this region of the State.

(2) The federal government recognized the natural abundance and cultural heritage of this region of North Carolina by purchasing tens of thousands of acres of land and designating it the Uwharrie Reservation during the Great Depression. In 1961, President John F. Kennedy proclaimed these lands the Uwharrie National Forest.

(3) The same beauty and natural abundance that is valued by North Carolina residents, tourists, and the federal government is being adversely affected by natural asset uses that are negatively impacting the value and public's enjoyment of the important regional assets of the region.

(4) The region is subject to profound economic challenges and pressures due to a loss of manufacturing and industrial activities in recent years. Local



* H 9 7 2 - P C S 7 0 5 8 2 - R I - 7 6 *

1 governments face challenges as they adapt to new and difficult changes to
2 the landscape.

3 (c) Purpose. – It is the purpose of this Chapter to encourage quality growth and
4 development while preserving the natural resources of the Uwharrie region of North Carolina.

5 **"§ 153C-2. Definitions.**

6 The following definitions apply in this Article:

- 7 (1) Commission. – The Uwharrie Resources Commission created by this
8 Chapter.
- 9 (2) Important regional resources. – The natural and cultural resources of the
10 Uwharrie region of North Carolina, including, but not limited to: State and
11 federal public lands; forestland; vistas; streams, rivers, and lakes; wildlife
12 habitat; and economic, recreational, historical, and archeological resources.
- 13 (3) Department. – The Department of Commerce.
- 14 (4) Uwharrie region of North Carolina. – The area encompassed by the counties
15 of Davidson, Davie, Montgomery, Rowan, Randolph, and Stanly in the
16 State.

17 **"§ 153C-3. Uwharrie Regional Resources Commission.**

18 (a) Creation. – The Uwharrie Regional Resources Commission is hereby established.
19 The Commission is a permanent body corporate of the State composed of members from the
20 Uwharrie region of North Carolina. The Commission shall be located administratively in the
21 Department of Commerce but shall exercise its statutory powers and duties independently of
22 the Department of Commerce. The Commission shall meet in the Uwharrie region of North
23 Carolina. Funds appropriated for the Commission by the General Assembly shall be disbursed
24 directly to the Commission at the beginning of each fiscal year.

25 (b) Purpose. – The purposes and functions of the Uwharrie Regional Resources
26 Commission are to do all of the following:

- 27 (1) Identify and evaluate issues affecting important resources of the region and
28 recommend policies and programs to address those issues.
- 29 (2) Coordinate with existing local and regional efforts to address threats to
30 important regional resources and work undertaken by councils of
31 government and the jurisdictions they serve in the Uwharrie region of North
32 Carolina.
- 33 (3) Provide a forum for discussion of issues affecting important regional
34 resources.
- 35 (4) Promote communication, coordination, and education among stakeholders
36 within the Uwharrie region of North Carolina.
- 37 (5) Collect research and information from North Carolina and other states and
38 jurisdictions regarding State and regional approaches to coordinating (i)
39 provision of infrastructure for the protection of important regional resources
40 and (ii) efforts to encourage quality growth to protect such important
41 regional resources.
- 42 (6) Monitor federal activities involving important regional resources.
- 43 (7) Determine whether new strategies or tools would be helpful to address
44 pressures on important regional resources and whether and how such
45 strategies or tools should be implemented to protect and enhance such
46 resources to maximize their value for the benefit of the citizens of the
47 Uwharrie region as well as the State.
- 48 (8) Provide guidance and make recommendations to local, State, and federal
49 legislative and administrative bodies and to others as it considers necessary
50 and appropriate for the use, stewardship, and enhancement of important
51 regional resources.

- 1 (c) Authority. – To achieve its purposes, the Commission shall have all of the following
2 powers and duties:
- 3 (1) To develop rules and procedures for the conduct of its business or as may be
4 necessary to perform its duties and carry out its objectives, including, but not
5 limited to, calling meetings and establishing voting procedures. Rules and
6 procedures developed pursuant to this subsection shall be effective upon an
7 affirmative vote by a majority of the Commission members.
- 8 (2) To pursue efforts directed at the equitable distribution of water for public
9 purposes.
- 10 (3) To seek enforcement of environmental laws and contribution to
11 environmental cleanup costs, consistent with its obligations under this
12 Chapter.
- 13 (4) To establish standing and ad hoc committees. The Commission shall
14 determine the purpose of each standing or ad hoc committee.
- 15 (5) To seek, apply for, accept, and expend gifts, grants, donations, services, and
16 other aid from public or private sources. The Commission may accept or
17 expend funds only after an affirmative vote by a majority of the members of
18 the Commission.
- 19 (6) To exercise the powers of a body corporate, including the power to sue and
20 be sued, own or lease property, and adopt and use a common seal and alter
21 the same.
- 22 (7) To enter into contracts and execute all instruments necessary or appropriate
23 to achieve the purposes of the Commission.
- 24 (8) To designate a fiscal agent.
- 25 (9) To perform any lawful acts necessary or appropriate to achieve the purposes
26 of the Commission.
- 27 (d) Membership. – The Commission shall consist of 10 members as follows:
- 28 (1) One representative from the public at large who is a resident of the Uwharrie
29 region of North Carolina appointed by the President Pro Tempore of the
30 Senate.
- 31 (2) One representative from the public at large who is a resident of the Uwharrie
32 region of North Carolina appointed by the Speaker of the House of
33 Representatives.
- 34 (3) Four representatives from the public at large who are residents of the
35 Uwharrie region of North Carolina to be appointed by the Governor,
36 including:
- 37 a. Two who shall at the time of appointment be actively connected with
38 or have experience in local government within the Uwharrie region
39 of North Carolina.
- 40 b. One who shall at the time of appointment have experience in tourism
41 or tourism development in the Uwharrie region of North Carolina.
- 42 c. One who shall have experience in economic development in the
43 Uwharrie region of North Carolina.
- 44 (4) Two members to represent each of the following regional councils of
45 government as appointed by those councils: the Centralina Council of
46 Governments and the Piedmont Triad Council of Governments.
- 47 (5) The Secretary of Commerce or the Secretary's designee.
- 48 (6) The Secretary of Environment and Natural Resources or the Secretary's
49 designee.

50 The members of the Commission shall elect a chair, vice-chair, and any other officers they
51 consider necessary and shall determine the length of the term of office, not to exceed two years,

1 of each officer. A majority of the Commission shall constitute a quorum. Each member
2 appointed to the Commission shall be appointed to serve a four-year term. Any vacancy on the
3 Commission shall be filled by the original appointing authority for the remainder of the
4 unexpired term. Initial terms commence September 1, 2010.

5 (e) Salary; Expenses. – Members of the Commission shall receive no salary for their
6 service on the Commission but may receive per diem, subsistence, and travel allowances in
7 accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate. All expenses shall be paid from
8 funds available to the Commission through the Uwharrie Regional Resources Fund, but no
9 expenses shall be paid if the Uwharrie Regional Resources Fund lacks the necessary funds.

10 (f) Staff Support. – The Department of Commerce shall provide staff support and
11 facilities to the Commission within the existing programs of the agency. Additional staff may
12 be hired or contracted by the Commission through funds raised by or provided to it. The duties
13 and compensation of any additional staff shall be determined and fixed by the Commission
14 within available resources.

15 (g) State Agency Cooperation. – All agencies of the State of North Carolina shall
16 cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its
17 responsibilities. The Secretary of Commerce or the Secretary's designee shall serve as the
18 liaison between the Secretary's agency and the Commission. The Commission may obtain
19 information and data upon request from all officers, agents, agencies, and departments of the
20 State of North Carolina or of local governments while in discharge of its duties.

21 (h) The role of the Commission is advisory in nature, and in no way shall the
22 Commission be construed to have regulatory authority. No action of the Commission
23 supercedes any decision of any local planning board.

24 **"§ 153C-4. Uwharrie Regional Resources Fund.**

25 (a) Creation. – The Uwharrie Regional Resources Fund is created as a special fund
26 within the Department. The Fund consists of moneys credited to the Fund from appropriations
27 and any gifts, grants, donations, or other aid from public or private sources.

28 (b) Use. – Moneys in the Fund shall be used by the Commission to implement the
29 provisions of this Chapter."

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