

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 972
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/8/10

Short Title: Create Uwharrie Regional Resources Comm'n.

(Public)

Sponsors:

Referred to:

April 2, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE THE UWHARRIE REGIONAL RESOURCES COMMISSION AS A
3 PERMANENT BODY CORPORATE OF THE STATE TO FOSTER ECONOMIC
4 DEVELOPMENT AND PROTECT AND ENHANCE THE NATURAL RESOURCES OF
5 THAT REGION.

6 The General Assembly of North Carolina enacts:

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

8 **"Chapter 153C.**

9 **"Uwharrie Regional Resources Act.**

10 **"§ 153C-1. Short title; findings; purpose.**

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

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

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

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

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

32 (4) The region is subject to profound economic challenges and pressures due to
33 a loss of manufacturing and industrial activities in recent years. Local
34 governments face challenges as they adapt to new and difficult changes to
35 the landscape.



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

3 **"§ 153C-2. Definitions.**

4 The following definitions apply in this Article:

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

15 **"§ 153C-3. Uwharrie Regional Resources Commission.**

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

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

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

50 (c) Authority. – To achieve its purposes, the Commission shall have all of the following
51 powers and duties:

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

48 The members of the Commission shall elect a chair, vice-chair, and any other officers they
49 consider necessary and shall determine the length of the term of office, not to exceed two years,
50 of each officer. A majority of the Commission shall constitute a quorum. Each member
51 appointed to the Commission shall be appointed to serve a four-year term. Any vacancy on the

1 Commission shall be filled by the original appointing authority for the remainder of the
2 unexpired term. Initial terms commence September 1, 2010.

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

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

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

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

22 **"§ 153C-4. Uwharrie Regional Resources Fund.**

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

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

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