

CHANGES TITLE



ADOPTED

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 1973

AMENDMENT NO. 3
(to be filled in by
Principal Clerk)

H1973-ARI-48 [v.3]

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Comm. Sub. [YES]
Amends Title [YES]
Fifth Edition

Date 7-6 July 6, 2010

Senator Hartsell

1 moves to amend the bill on page 1, lines 5 and 6,
2 by rewriting those lines to read:

3
4 "LIMITED LIABILITY COMPANY; TO CREATE THE UWHARRIE REGIONAL
5 RESOURCES COMMISSION; AND TO PROVIDE FUNDING FOR THE DNA
6 DATABASE AND DATABANK." and

7
8 on page 15, line 36, through page 17, line 15,
9 by rewriting those lines to read:

10
11 "PART VIII: CREATE THE UWHARRIE REGIONAL RESOURCES COMMISSION
12 AS A PERMANENT BODY CORPORATE OF THE STATE TO FOSTER ECONOMIC
13 DEVELOPMENT AND PROTECT AND ENHANCE THE NATURAL RESOURCES
14 OF THAT REGION

15
16 SECTION 8. The General Statutes are amended by adding a new Chapter to read:

"Chapter 153C.

"Uwharrie Regional Resources Act.

19 "§ 153C-1. Short title; findings; purpose.

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

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

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

32 (2) The federal government recognized the natural abundance and cultural
33 heritage of this region of North Carolina by purchasing tens of thousands of



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1 acres of land and designating it the Uwharrie Reservation during the Great
2 Depression. In 1961, President John F. Kennedy proclaimed these lands the
3 Uwharrie National Forest.

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

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

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

14 **"§ 153C-2. Definitions.**

15 The following definitions apply in this Article:

16 (1) Commission. – The Uwharrie Resources Commission created by this
17 Chapter.

18 (2) Important regional resources. – The natural and cultural resources of the
19 Uwharrie region of North Carolina, including, but not limited to: State and
20 federal public lands; forestland; vistas; streams, rivers, and lakes; wildlife
21 habitat; and economic, recreational, historical and archeological resources.

22 (3) Department. – The Department of Commerce.

23 (4) Uwharrie region of North Carolina. – The area encompassed by the counties
24 of Davidson, Davie, Montgomery, Rowan, Randolph, and Stanly in the
25 State.

26 **"§ 153C-3. Uwharrie Regional Resources Commission.**

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

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

36 (1) Identify and evaluate issues affecting important resources of the region and
37 recommend policies and programs to address those issues.

38 (2) Coordinate with existing local and regional efforts to address threats to
39 important regional resources and work undertaken by councils of
40 government and the jurisdictions they serve in the Uwharrie region of North
41 Carolina.

42 (3) Provide a forum for discussion of issues affecting important regional
43 resources.

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- 1 (4) Promote communication, coordination, and education among stakeholders
2 within the Uwharrie region of North Carolina.
3 (5) Collect research and information from North Carolina and other states and
4 jurisdictions regarding State and regional approaches to coordinating (i)
5 provision of infrastructure for the protection of important regional resources
6 and (ii) efforts to encourage quality growth to protect such important
7 regional resources.
8 (6) Monitor federal activities involving important regional resources.
9 (7) Determine whether new strategies or tools would be helpful to address
10 pressures on important regional resources and whether and how such
11 strategies or tools should be implemented to protect and enhance such
12 resources to maximize their value for the benefit of the citizens of the
13 Uwharrie region as well as the State.
14 (8) Provide guidance and make recommendations to local, State, and federal
15 legislative and administrative bodies and to others as it considers necessary
16 and appropriate for the use, stewardship, and enhancement of important
17 regional resources.
18 (c) Authority. – To achieve its purposes, the Commission shall have all of the following
19 powers and duties:
20 (1) To develop rules and procedures for the conduct of its business or as may be
21 necessary to perform its duties and carry out its objectives, including, but not
22 limited to, calling meetings and establishing voting procedures. Rules and
23 procedures developed pursuant to this subsection shall be effective upon an
24 affirmative vote by a majority of the Commission members.
25 (2) To pursue efforts directed at the equitable distribution of water for public
26 purposes.
27 (3) To seek enforcement of environmental laws and contribution to
28 environmental cleanup costs, consistent with its obligations under this
29 Article.
30 (4) To establish standing and ad hoc committees. The Commission shall
31 determine the purpose of each standing or ad hoc committee.
32 (5) To seek, apply for, accept, and expend gifts, grants, donations, services, and
33 other aid from public or private sources. The Commission may accept or
34 expend funds only after an affirmative vote by a majority of the members of
35 the Commission.
36 (6) To exercise the powers of a body corporate, including the power to sue and
37 be sued, own or lease property, and adopt and use a common seal and alter
38 the same.
39 (7) To enter into contracts and execute all instruments necessary or appropriate
40 to achieve the purposes of the Commission.
41 (8) To designate a fiscal agent.
42 (9) To perform any lawful acts necessary or appropriate to achieve the purposes
43 of the Commission.

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1 (d) Membership. – The Commission shall consist of 10 members as follows:

2 (1) One representative from the public at large who is a resident of the Uwharrie
3 region of North Carolina appointed by the President Pro Tempore of the
4 Senate.

5 (2) One representative from the public at large who is a resident of the Uwharrie
6 region of North Carolina appointed by the Speaker of the House of
7 Representatives.

8 (3) Four representatives from the public at large who are residents of the
9 Uwharrie region of North Carolina to be appointed by the Governor,
10 including:

11 a. Two who shall at the time of appointment be actively connected with
12 or have experience in local government within the Uwharrie region
13 of North Carolina.

14 b. One who shall at the time of appointment have experience in tourism
15 or tourism development in the Uwharrie region of North Carolina.

16 c. One who shall have experience in economic development in the
17 Uwharrie region of North Carolina.

18 (4) Two members to represent each of the following regional councils of
19 government as appointed by those councils: the Centralina Council of
20 Governments and the Piedmont Triad Council of Governments.

21 (5) The Secretary of Commerce or the Secretary's designee.

22 (6) The Secretary of Environment and Natural Resources or the Secretary's
23 designee.

24 The members of the Commission shall elect a chair, vice-chair, and any other officers they
25 consider necessary and shall determine the length of the term of office, not to exceed two years,
26 of each officer. A majority of the Commission shall constitute a quorum. Each member
27 appointed to the Commission shall be appointed to serve a four-year term. Any vacancy on the
28 Commission shall be filled by the original appointing authority for the remainder of the
29 unexpired term. Initial terms commence September 1, 2010.

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

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

40 (g) State Agency Cooperation. – All agencies of the State of North Carolina shall
41 cooperate with the Commission and, upon request, shall assist the Commission in fulfilling its
42 responsibilities. The Secretary of Commerce or the Secretary's designee shall serve as the
43 liaison between the Secretary's agency and the Commission. The Commission may obtain

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- 1 information and data upon request from all officers, agents, agencies, and departments of the
- 2 State of North Carolina or of local governments while in discharge of its duties.
- 3 (h) No action of the Commission supercedes any decision of any local planning board.
- 4 **"§ 153C-4. UXwharrie Regional Resources Fund.**
- 5 (a) Creation. – The UXwharrie Regional Resources Fund is created as a special fund
- 6 within the Department. The Fund consists of moneys credited to the Fund from appropriations
- 7 and any gifts, grants, donations, or other aid from public or private sources.
- 8 (b) Use. – Moneys in the Fund shall be used by the Commission to implement the
- 9 provisions of this Chapter."

SIGNED *Walter S. Hunt*
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED *46-1-(adj)* FAILED _____ TABLED _____
~~45-3~~

7-6-10
Janice Pruitt

ADOPTED