

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 1235

Short Title: Change Name of Dept. of ECD.

(Public)

Sponsors: Senator Goldston.

Referred to: State Personnel and State Government.

June 8, 1992

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE NAME OF THE DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO MAKE TECHNICAL AND CONFORMING AMENDMENTS TO VARIOUS LAWS, AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-79.5(a) reads as rewritten:

"(a) Plates. – The State government officials listed in this section are eligible for a special registration plate under G.S. 20-79.4. The plate shall bear the number designated in the following table for the position held by the official.

Position	Number on Plate
Governor	1
Lieutenant Governor	2
Speaker of the House of Representatives	3
President Pro Tempore of the Senate	4
Secretary of State	5
State Auditor	6
State Treasurer	7
Superintendent of Public Instruction	8
Attorney General	9
Commissioner of Agriculture	10
Commissioner of Labor	11

1	Commissioner of Insurance	12	
2	Speaker Pro Tempore of the House	13	
3	Legislative Administrative Officer	14	
4	Secretary of Administration	15	
5	Secretary of Environment, Health, and		
6	Natural Resources	16	
7	Secretary of Revenue	17	
8	Secretary of Human Resources	18	
9	Secretary of Economic and Community		
10	Development <u>Commerce</u>	19	
11	Secretary of Correction	20	
12	Secretary of Cultural Resources	21	
13	Secretary of Crime Control and Public		
14	Safety	22	
15	Governor's Staff	23-29	
16	State Budget Officer	30	
17	State Personnel Director	31	
18	Advisory Budget Commission		
19	Nonlegislative Member	32-41	
20	Chair of the State Board of Education	42	
21	President of the U.N.C. System	43	
22	Alcoholic Beverage Control Commission	44-46	
23	Assistant Commissioners of Agriculture	47-48	
24	Deputy Secretary of State	49	
25	Deputy State Treasurer	50	
26	Assistant State Treasurer	51	
27	Deputy Commissioner for the		
28	Department of Labor	52	
29	Chief Deputy for the		
30	Department of Insurance	53	
31	Assistant Commissioner of Insurance	54	
32	Deputies and Assistant to the Attorney		
33	General	55-65	
34	Board of Economic Development		
35	Nonlegislative Member	66-88	
36	State Ports Authority		
37	Nonlegislative Member	89-96	
38	Utilities Commission Member	97-104	
39	Parole Commission Member	105-109	
40	State Board Member, Commission Member,		
41	or State Employee Not Named in List	110-200".	
42	Sec. 2. G.S. 20-79.7(c) reads as rewritten:		
43	"(c) Use of Remaining Proceeds. – The remaining revenue in the Fund shall be		
44	transferred quarterly as follows:		

- 1 (1) Thirty-three percent (33%) to the account of the Department of
 2 ~~Economic and Community Development-Commerce~~ to aid in financing
 3 out-of-state print and other media advertising under the program for
 4 the promotion of travel and industrial development in this State.
- 5 (2) Fifty percent (50%) to the Department of Transportation to be used
 6 solely for the purpose of beautification of highways other than those
 7 designated as interstate. These funds shall be administered by the
 8 Department of Transportation for beautification purposes not
 9 inconsistent with good landscaping and engineering principles.
- 10 (3) Seventeen percent (17%) to the account of the Department of Human
 11 Resources to promote travel accessibility for disabled persons in this
 12 State. These funds shall be used to collect and update site information
 13 on travel attractions designated by the Department of ~~Economic and~~
 14 ~~Community Development-Commerce~~ in its publications, to provide
 15 technical assistance to travel attractions concerning accommodation of
 16 disabled tourists, and to develop, print, and promote the publication
 17 ACCESS NORTH CAROLINA as provided in G.S.168-2. Any funds
 18 allocated for these purposes that are neither spent nor obligated at the
 19 end of the fiscal year shall be transferred to the Department of
 20 Administration for removal of man-made barriers to disabled travelers
 21 at State-funded travel attractions. Guidelines for the removal of man-
 22 made barriers shall be developed in consultation with the Department
 23 of Human Resources."

24 Sec. 3. G.S. 54-109.10 reads as rewritten:

25 **"§ 54-109.10. Creation and supervision of Division.**

26 There shall be established in the North Carolina Department of ~~Economic and~~
 27 ~~Community Development-Commerce~~ a Credit Union Division which shall be under the
 28 supervision of ~~the~~ the Administrator of Credit Unions appointed by the Secretary of
 29 ~~Economic and Community Development-Commerce~~. The Credit Union Division and the
 30 Administrator of Credit Unions shall be under the general direction and supervision of
 31 the Secretary of ~~Economic and Community Development-Commerce~~, and there shall be
 32 such assistants to the Administrator of Credit Unions as may be necessary and the
 33 salaries of the Administrator and assistants shall be fixed by the State Personnel
 34 Council."

35 Sec. 4. G.S. 54-109.11(1) reads as rewritten:

- 36 "(1) To organize and conduct in the State Department of ~~Economic and~~
 37 ~~Community Development-Commerce~~, a bureau of information in regard
 38 to cooperative associations and rural and industrial credits."

39 Sec. 4.1. G.S. 54-109.11(4) reads as rewritten:

- 40 "(4) To examine at least once a year, and oftener if such examination be
 41 deemed necessary by the Administrator or his assistant, the credit
 42 unions formed under this Article. A report of such examination shall
 43 be filed with the State Department of ~~Economic and Community~~

1 ~~Development, Commerce,~~ and a copy mailed to the credit union at its
2 proper address."

3 Sec. 5. G.S. 54B-4(b)(14) reads as rewritten:

4 "(14) 'Commission' means the North Carolina Savings Institutions
5 Commission of the Department of ~~Economic and Community~~
6 ~~Development-Commerce.~~"

7 Sec. 5.1. G.S. 54B-4(b)(21) reads as rewritten:

8 "(21) 'Division' means the Savings Institutions Division of the North
9 Carolina Department of ~~Economic and Community Development-~~
10 ~~Commerce.~~"

11 Sec. 6. G.S. 54B-53(f) reads as rewritten:

12 "(f) The relationship between the Secretary of ~~Economic and Community~~
13 ~~Development-Commerce~~ and the Savings Institutions Commission shall be as defined for
14 a Type II transfer under Chapter 143A of the General Statutes."

15 Sec. 7. G.S. 54B-237(b) reads as rewritten:

16 "(b) Articles of incorporation of a guaranty association shall be filed in the office
17 of the Secretary of State. The Secretary of State shall, upon receipt of such articles,
18 transmit a copy of them to the Secretary of ~~Economic and Community Development~~
19 ~~Commerce~~ and shall not record them until authorized to do so by the Secretary of
20 ~~Economic and Community Development-Commerce.~~"

21 Sec. 8. G.S. 54B-238 reads as rewritten:

22 "**§ 54B-238. Examination and certification by Secretary of ~~Economic and~~**
23 **~~Community Development-Commerce.~~**

24 (a) Upon receipt from the Secretary of State of a copy of the articles of
25 incorporation of a proposed guaranty association, the Secretary of ~~Economic and~~
26 ~~Community Development-Commerce~~ shall at once examine all the facts connected with
27 the formation of the proposed corporation. If the articles of incorporation are correct in
28 form and substance and the examination shows that such corporation, if formed, would
29 be entitled to commence the business of a guaranty association, the Secretary of
30 ~~Economic and Community Development-Commerce~~ shall so certify to the Secretary of
31 State.

32 (b) The Secretary of ~~Economic and Community Development-Commerce~~ may
33 refuse to make such certification if upon examination he has reason to believe the
34 proposed corporation is to be formed for any business other than assuring the liquidity
35 of member institutions and guaranteeing deposits therein, if upon examination he has
36 reason to believe that the character and general fitness of the incorporators are not such
37 as to command the confidence of the general public or if the best interests of the public
38 will not be promoted by its establishment."

39 Sec. 9. G.S. 54B-239 reads as rewritten:

40 "**§ 54B-239. Recordation of articles of incorporation.**

41 Upon receipt of the certification provided for in G.S. 54B-238, the Secretary of State
42 shall record the articles of incorporation of such guaranty association and furnish a
43 certified copy thereof to the incorporators and to the Secretary of ~~Economic and~~
44 ~~Community Development-Commerce.~~ Upon such recordation, such association shall be

1 deemed a corporation. All papers thereafter filed in the office of the Secretary of State
2 relating to such corporation shall be recorded as provided by law and a certified copy
3 forwarded to the Secretary of ~~Economic and Community Development~~. Commerce."

4 Sec. 10. G.S. 54B-240 reads as rewritten:

5 "**§ 54B-240. Proposed amendments submitted to Secretary of ~~Economic and~~**
6 **~~Community Development~~. Commerce.**

7 Any proposed amendments to the articles of incorporation of a mutual deposit
8 guaranty association shall be filed in the office of the Secretary of State, who shall
9 forward a copy thereof to the Secretary of ~~Economic and Community Development~~,
10 Commerce, and shall not record the amendments until authorized to do so by
11 certification of the Secretary of ~~Economic and Community Development~~. Commerce."

12 Sec. 11. G.S. 54B-241 reads as rewritten:

13 "**§ 54B-241. Examination and certification of amendments.**

14 (a) Upon receipt from the Secretary of State of a copy of proposed amendments
15 to the articles of incorporation of a mutual deposit guaranty association, the Secretary of
16 ~~Economic and Community Development~~ Commerce shall at once examine the proposed
17 amendments to determine their effect on the operation of the guaranty association.

18 (b) In the event the proposed amendments are correct in form and substance and
19 the examination shows that if adopted they would not change the character or principal
20 business of the guaranty association, the Secretary of ~~Economic and Community~~
21 ~~Development~~ Commerce shall so certify to the Secretary of State.

22 (c) The Secretary of ~~Economic and Community Development~~ Commerce may
23 refuse to make certification if upon examination he has reason to believe that the
24 proposed amendments would change the character of the business of the guaranty
25 association or that the best interests of the public will not be promoted by their
26 adoption."

27 Sec. 12. G.S. 54B-242 reads as rewritten:

28 "**§ 54B-242. Recordation of amendments.**

29 Upon receipt of the certification provided for in G.S. 54B-241, the Secretary of State
30 shall record the amendments to the articles of incorporation and furnish a certified copy
31 thereof to the mutual deposit guaranty association and to the Secretary of ~~Economic and~~
32 ~~Community Development~~. Commerce."

33 Sec. 13. G.S. 54B-245 reads as rewritten:

34 "**§ 54B-245. Filing of semiannual financial reports; fees.**

35 Each mutual deposit guaranty association shall on the 30th day of June and the 31st
36 day of December of each year, or within 40 days thereafter, file with the Secretary of
37 ~~Economic and Community Development~~ Commerce a report for the preceding half year,
38 showing its financial condition at the end thereof. Such reports shall be in such form and
39 contain such information as may be prescribed by the Secretary of ~~Economic and~~
40 ~~Community Development~~. Commerce. Each guaranty association doing business in this
41 State shall pay to the Secretary of ~~Economic and Community Development~~, Commerce, at
42 the time of filing each semiannual report required by this section, the sum of five dollars
43 (\$5.00). All such fees shall be paid into the State treasury to the credit of the general
44 fund."

1 Sec. 14. G.S. 54B-246 reads as rewritten:

2 "**§ 54B-246. Supervision by Secretary of ~~Economic and Community Development-~~**
3 **Commerce.**

4 (a) In addition to any and all other powers, duties and functions vested in the
5 Secretary of ~~Economic and Community Development-~~Commerce under the provisions of
6 this Article, and for the protection of member institutions and the general public, the
7 Secretary of ~~Economic and Community Development-~~Commerce shall have general
8 control and supervision over all mutual deposit guaranty associations doing business in
9 this State. Mutual deposit guaranty associations shall be subject to the control and
10 supervision of the Secretary of ~~Economic and Community Development-~~Commerce as to
11 their conduct, organization, management, business practices, reserve requirements and
12 their financial and fiscal matters. The grant of general control and supervision over
13 mutual deposit guaranty associations to the Secretary of ~~Economic and Community~~
14 ~~Development-~~Commerce by this Article shall in no way be deemed to affect the existing
15 powers, duties and responsibilities of the Credit Union Commission, the Commissioner
16 of Banks, the State Banking Commission or the North Carolina Savings Institutions
17 Commission except for the removal herein of general control and supervision over
18 mutual deposit guaranty associations from the Administrator of the Savings Institutions
19 Division to the Secretary of ~~Economic and Community Development-~~Commerce.

20 (b) The Secretary of ~~Economic and Community Development-~~Commerce shall have
21 the right, and is hereby empowered to issue rules and regulations whenever he deems it
22 necessary for the administration of this Article as well as rules and regulations with
23 respect to:

- 24 (1) Types of financial records to be maintained by mutual deposit
25 guaranty associations;
- 26 (2) Retention periods of various financial records;
- 27 (3) Internal control procedures of mutual deposit guaranty associations;
- 28 (4) Conduct and management of mutual deposit guaranty associations;
- 29 (5) Additional reports which may be required by the Secretary of
30 ~~Economic and Community Development-~~Commerce.

31 It shall be the duty of the board of directors or board of trustees of the mutual deposit
32 guaranty association to put into effect and to carry out such rules and regulations.

33 (c) At least once each year the Secretary of ~~Economic and Community Development~~
34 Commerce shall make or cause to be made an examination into the affairs of each
35 mutual deposit guaranty association doing business in this State. The Administrator of
36 the Credit Union Division of this State, in his capacity as supervisor of state-chartered
37 credit unions, if he deems it necessary, may designate agents to participate in such
38 examination. The Administrator, in his capacity as supervisor of State chartered savings
39 and loan associations, may designate agents to participate in such examination. The
40 expenses of such yearly examination shall be paid by the mutual deposit guaranty
41 association so examined."

42 Sec. 15. G.S. 54B-247 reads as rewritten:

43 "**§ 54B-247. Special examinations.**

1 Whenever the Secretary of ~~Economic and Community Development~~ Commerce deems
2 it necessary, he may make or cause to be made a special examination or audit of any
3 mutual deposit guaranty association doing business in this State, in addition to the
4 regular examination provided for by this Article. The expenses of such a special
5 examination or audit shall be paid by the mutual deposit guaranty association so
6 examined."

7 Sec. 16. G.S. 54B-248 reads as rewritten:

8 **"§ 54B-248. Right to enter and to conduct investigations.**

9 The Secretary of ~~Economic and Community Development~~ Commerce or any examiner
10 appointed by him shall have access to and may compel the production of all books,
11 papers, securities, moneys, and other property of a mutual deposit guaranty association
12 under examination by him. He may administer oaths to and examine the officers and
13 agents of such association as to its affairs."

14 Sec. 17. G.S. 54B-249 reads as rewritten:

15 **"§ 54B-249. Removal of officers or employees.**

16 The Secretary of ~~Economic and Community Development~~ Commerce shall have the
17 right, and is hereby empowered, to require the board of directors or board of trustees of
18 any guaranty association to immediately remove from office any officer, director,
19 trustee or employee of any mutual deposit guaranty association doing business in this
20 State, who shall be found by the Secretary of ~~Economic and Community Development~~
21 Commerce to be dishonest, incompetent, or reckless in the management of the affairs of
22 the mutual deposit guaranty association, or in violation of the lawful orders, rules and
23 regulations issued by the Secretary of ~~Economic and Community Development~~,
24 Commerce, or who violates any of the laws set forth in Chapter 54B of the General
25 Statutes."

26 Sec. 18. G.S. 62-102(b) reads as rewritten:

27 "(b) Within 10 days of filing the application, the applicant shall serve a copy of it
28 on each of the following in the manner provided in G.S. 1A-1, Rule 4:

- 29 (1) The Public Staff;
- 30 (2) The Attorney General;
- 31 (3) The Department of Environment, Health, and Natural Resources;
- 32 (4) The Department of ~~Economic and Community Development~~;
33 Commerce;
- 34 (5) The Department of Transportation;
- 35 (6) The Department of Agriculture;
- 36 (7) The Department of Cultural Resources;
- 37 (8) Each county through which the applicant proposes to construct the
38 transmission line;
- 39 (9) Each municipality through whose jurisdiction the applicant proposes to
40 construct the transmission line; and
- 41 (10) Any other party that the Commission orders the applicant to serve.

42 The copy of the application served on each shall be accompanied by a notice
43 specifying the date on which the application was filed."

44 Sec. 19. G.S. 65-49 reads as rewritten:

1 **"§ 65-49. The North Carolina Cemetery Commission.**

2 There is hereby established in the Department of ~~Economic and Community~~
3 ~~Development-Commerce~~ a North Carolina Cemetery Commission with the power and
4 duty to adopt rules and regulations to be followed in the enforcement of this Article."

5 Sec. 20. G.S. 105-130.40 reads as rewritten:

6 **"§ 105-130.40. Credit for creating jobs in severely distressed county.**

7 (a) Credit. – A corporation that (i) for at least 40 weeks during the year has at
8 least nine employees and (ii) is located, for part or all of its taxable year, in a severely
9 distressed county may qualify for a credit against the tax imposed by this Division by
10 creating new full-time jobs with the corporation in the severely distressed county during
11 that year. A corporation that hires an additional full-time employee during that year to
12 fill a position located in a severely distressed county is allowed a credit of two thousand
13 eight hundred dollars (\$2,800) for the additional employee. A position is located in a
14 county if (i) at least fifty percent (50%) of the employee's duties are performed in the
15 county, or (ii) the employee is a resident of the county. The credit may not be taken in
16 the income year in which the additional employee is hired. Instead, the credit shall be
17 taken in equal installments over the four years following the income year in which the
18 additional employee was hired and shall be conditioned on the continued employment
19 by the corporation of the number of full-time employees the corporation had upon
20 hiring the employee that caused the corporation to qualify for the credit. If, in one of
21 the four years in which the installment of a credit accrues, the number of the
22 corporation's full-time employees falls below the number of full-time employees the
23 company had in the year in which the corporation qualified for the credit or the position
24 filled by the employee is moved to another county, the credit expires and the
25 corporation may not take any remaining installment of the credit. The corporation may,
26 however, take the portion of an installment that accrued in a previous year and was
27 carried forward to the extent permitted under subsection (e) of this section.

28 For the purposes of this section, a full-time job is a position that requires at least
29 1,600 hours of work per year and is intended to be held by one employee during the
30 entire year. A full-time employee is an employee who holds a full-time job.

31 (b) Repealed by Session Laws 1989, c. 111, s. 1.

32 (b1) Eligibility. – A corporation is eligible for the tax credit allowed by this section
33 only if it obtained a credit under this section for taxable year 1988 or the Department of
34 ~~Economic and Community Development-Commerce~~ determines that it engages in the
35 manufacturing of goods, or that it engages in an industrial activity such as the
36 processing of foods, raw materials, chemicals and process agents, goods in process, or
37 finished products.

38 (c) County Designation. – A severely distressed county is a county designated as
39 severely distressed by the Secretary of ~~Economic and Community Development-~~
40 ~~Commerce.~~ Each year, on or before December 31, the Secretary of ~~Economic and~~
41 ~~Community Development-Commerce~~ shall designate which counties are considered
42 severely distressed, and shall provide that information to the Secretary of Revenue. A
43 county is considered severely distressed if its distress factor is one of the thirty-three

1 highest in the State. The Secretary shall assign to each county in the State a distress
2 factor that is the sum of the following:

- 3 (1) The county's rank in a ranking of counties by rate of unemployment
4 from lowest to highest.
- 5 (2) The county's rank in a ranking of counties by per capita income from
6 highest to lowest.
- 7 (3) The county's rank in a ranking of counties by percentage growth in
8 population from lowest to highest.

9 In measuring rates of unemployment and per capita income, the Secretary shall use
10 the latest available data published by a State or federal agency generally recognized as
11 having expertise concerning the data. In measuring population growth, the Secretary
12 shall use the most recent estimates of population certified by the State Budget Officer.
13 A designation as a severely distressed county is effective only for the calendar year
14 following the designation.

15 (d) Planned Expansion. – A corporation that, during the year in which a county is
16 designated as a severely distressed county, signs a letter of commitment with the
17 Department of ~~Economic and Community Development~~ Commerce to create at least
18 twenty new full-time jobs in that distressed county within two years of the date the letter
19 is signed qualifies for the credit allowed by this section even though the employees are
20 not hired that year. The credit shall be available in the income year after at least twenty
21 employees have been hired if such hirings are within the two-year commitment period.
22 The conditions outlined in subsection (a) apply to a credit taken under this subsection
23 except that if the county is no longer designated a severely distressed county after the
24 year the letter of commitment was signed, the credit is still available. If the corporation
25 does not hire the employees within the two-year period, the corporation does not qualify
26 for the credit. However, if the corporation qualifies for a credit under subsection (a) in
27 the year any new employees are hired, it may take the credit under that subsection.

28 (e) Limitations. – The sale, merger, acquisition, or bankruptcy of a business, or
29 any other transaction by which an existing business reformulates itself as another
30 business, does not create new eligibility in a succeeding business with respect to jobs
31 for which the predecessor was not eligible under this section. A successor corporation
32 may, however, take any installment of or carried-over portion of a credit that its
33 predecessor could have taken if it had taxable income. Jobs transferred from one county
34 in the State to another county in the State shall not be considered new jobs for purposes
35 of this section. A credit taken under this section may not exceed fifty percent (50%) of
36 the tax imposed by this Division for the taxable year, reduced by the sum of all other
37 credits allowed under this Division, except tax payments made by or on behalf of the
38 corporation. Any unused portion of the credit may be carried forward for the
39 succeeding five years.

40 (f) Substantiation. – Every corporation claiming the credit provided in subsection
41 (a) shall maintain and make available for inspection by the Secretary of Revenue or his
42 agent such records as may be necessary to determine and verify the amount of the credit
43 to which it is entitled. The burden of proving eligibility for the credit and the amount of

1 the credit shall rest upon the corporation, and no credit shall be allowed to a corporation
2 that fails to maintain adequate records or to make them available for inspection."

3 Sec. 21. G.S. 105-151.17 reads as rewritten:

4 **"§ 105-151.17. Credit for creating jobs in severely distressed county.**

5 (a) Credit. – A person who (i) for at least 40 weeks during the year has at least
6 nine employees and (ii) whose business is located, for part or all of his taxable year, in a
7 severely distressed county may qualify for a credit against the tax imposed by this
8 Division by creating new full-time jobs with the business in the severely distressed
9 county during that year. A person who hires an additional full-time employee during
10 that year to fill a position located in a severely distressed county is allowed a credit of
11 two thousand eight hundred dollars (\$2,800) for the additional employee. A position is
12 located in a county if (i) at least fifty percent (50%) of the employee's duties are
13 performed in the county, or (ii) the employee is a resident of the county. The credit may
14 not be taken in the income year in which the additional employee is hired. Instead, the
15 credit shall be taken in equal installments over the four years following the income year
16 in which the additional employee was hired and shall be conditioned on the continued
17 employment by the taxpayer of the number of full-time employees the taxpayer had
18 upon hiring the employee that caused the taxpayer to qualify for the credit. If, in one of
19 the four years in which the installment of a credit accrues, the number of the taxpayer's
20 full-time employees falls below the number of full-time employees the taxpayer had in
21 the year in which the taxpayer qualified for the credit or the position filled by the
22 employee is moved to another county, the credit expires and the taxpayer may not take
23 any remaining installment of the credit. The taxpayer may, however, take the portion of
24 an installment that accrued in a previous year and was carried forward to the extent
25 permitted under subsection (e) of this section.

26 For the purposes of this section, a full-time job is a position that requires at least
27 1,600 hours of work per year and is intended to be held by one employee during the
28 entire year. A full-time employee is an employee who holds a full-time job.

29 (b) Repealed by Session Laws 1989, c. 111, s. 2.

30 (b1) Eligibility. – A taxpayer is eligible for the tax credit allowed by this section
31 only if the taxpayer obtained a credit under this section for taxable year 1988 or the
32 Department of ~~Economic and Community Development~~ Commerce determines that the
33 taxpayer engages in the manufacturing of goods, or that he engages in an industrial
34 activity such as the processing of foods, raw materials, chemicals and process agents,
35 goods in process, or of finished products.

36 (c) County Designation. – A severely distressed county is a county designated as
37 severely distressed by the Secretary of ~~Economic and Community Development~~
38 Commerce. Each year, on or before December 31, the Secretary of ~~Economic and~~
39 ~~Community Development~~ Commerce shall designate which counties are considered
40 severely distressed, and shall provide that information to the Secretary of Revenue. A
41 county is considered severely distressed if its distress factor is one of the thirty-three
42 highest in the State. The Secretary shall assign to each county in the State a distress
43 factor that is the sum of the following:

- 1 (1) The county's rank in a ranking of counties by rate of unemployment
2 from lowest to highest.
- 3 (2) The county's rank in a ranking of counties by per capita income from
4 highest to lowest.
- 5 (3) The county's rank in a ranking of counties by percentage growth in
6 population from lowest to highest.

7 In measuring rates of unemployment and per capita income, the Secretary shall use
8 the latest available data published by a State or federal agency generally recognized as
9 having expertise concerning the data. In measuring population growth, the Secretary
10 shall use the most recent estimates of population certified by the State Budget Officer.
11 A designation as a severely distressed county is effective only for the calendar year
12 following the designation.

13 (d) Planned Expansion. – A person who, during the year in which a county is
14 designated as a severely distressed county, signs a letter of commitment with the
15 Department of ~~Economic and Community Development~~ Commerce to create at least
16 twenty new full-time jobs in that distressed county within two years of the date the letter
17 is signed qualifies for the credit allowed by this section even though the employees are
18 not hired that year. The credit shall be available in the income year after at least twenty
19 employees have been hired if such hirings are within the two-year commitment period.
20 The conditions outlined in subsection (a) apply to a credit taken under this subsection,
21 except that if the county is no longer designated a severely distressed county after the
22 year the letter of commitment was signed, the credit is still available. If the taxpayer
23 does not hire the employees within the two-year period, he does not qualify for the
24 credit. However, if the taxpayer qualifies for a credit under subsection (a) in the year
25 any new employees are hired, he may take the credit under that subsection.

26 (e) Limitations. – The sale, merger, acquisition, or bankruptcy of a business, or
27 any other transaction by which an existing business reformulates itself as another
28 business, does not create new eligibility in a succeeding business with respect to jobs
29 for which the predecessor was not eligible under this section. A taxpayer may,
30 however, take any installment of or carried-over portion of a credit that his predecessor
31 could have taken if he had taxable income. Jobs transferred from one county in the State
32 to another county in the State shall not be considered new jobs for purposes of this
33 section. A credit taken under this section may not exceed fifty percent (50%) of the tax
34 imposed by this Division for the taxable year, reduced by the sum of all other credits
35 allowed under this Division, except tax payments made by or on behalf of the taxpayer.
36 Any unused portion of the credit may be carried forward for the succeeding five years.

37 (f) Substantiation. – Every person claiming the credit provided in subsection (a)
38 shall maintain and make available for inspection by the Secretary of Revenue or his
39 agent such records as may be necessary to determine and verify the amount of the credit
40 to which the person is entitled. The burden of proving eligibility for the credit and the
41 amount of the credit shall rest upon the person, and no credit shall be allowed to any
42 person who fails to maintain adequate records or to make them available for
43 inspection."

44 Sec. 22. G.S. 105-228.24A reads as rewritten:

1 **"§ 105-228.24A. Income tax credit for supervisory fees.**

2 Every savings and loan association is allowed a credit against the income tax
3 imposed on it under Article 4 of this Chapter for a taxable year equal to the amount of
4 supervisory fees, paid by the association during the taxable year, that were assessed by
5 the Administrator of the Savings Institutions Division of the Department of ~~Economic~~
6 ~~and Community Development~~ Commerce for the State fiscal year beginning on or during
7 that taxable year. This credit may not exceed the amount of income tax payable by the
8 association for the taxable year for which the credit is claimed, reduced by the sum of
9 all income tax credits allowed against the tax, except tax payments made by or on behalf
10 of the association. The supervisory fees shall not be an allowable deduction in
11 determining taxable income for any association claiming the credit allowed under this
12 section."

13 Sec. 23. G.S. 113-315.25(d) reads as rewritten:

14 "(d) The Secretary of ~~Economic and Community Development~~ Commerce is
15 authorized to appoint such number of employees of the Authority as he may think
16 proper as special policemen, who, when so appointed, shall have within the jurisdiction
17 of the Authority all the powers of policemen of incorporated towns. Special policemen
18 may arrest persons who violate State law or a rule adopted by the Authority. Employees
19 appointed as such special policemen shall take the general oath of office prescribed by
20 G.S. 11-11."

21 Sec. 24. G.S. 113-315.26 reads as rewritten:

22 **"§ 113-315.26. Personnel.**

23 The Secretary of ~~Economic and Community Development~~ Commerce shall appoint
24 such personnel as deemed necessary who shall serve at the pleasure of the Secretary of
25 ~~Economic and Community Development~~ Commerce. The Secretary of Economic and
26 Community Development Commerce shall have the power to appoint, employ and
27 dismiss such number of employees as he may deem necessary to accomplish the
28 purposes of this Article subject to the availability of funds. It is recommended that, to
29 the fullest extent possible, the Secretary of ~~Economic and Community Development~~
30 Commerce consult with the Authority on matters of personnel."

31 Sec. 25. G.S. 113-315.34(d) reads as rewritten:

32 "(d) The Secretary of ~~Economic and Community Development~~ Commerce is
33 authorized to appoint such number of employees of the Authority as he may think
34 proper as special policemen, who, when so appointed, shall have within the jurisdiction
35 of the Authority all the powers of policemen of incorporated towns. Special policemen
36 may arrest persons who violate State law or a rule adopted by the Authority. Employees
37 appointed as such special policemen shall take the general oath of office prescribed by
38 G.S. 11-11."

39 Sec. 26. G.S. 113A-105(b) reads as rewritten:

40 "(b) The Coastal Resources Advisory Council shall consist of not more than 47
41 members appointed or designated as follows:

- 42 (1) Two individuals designated by the Secretary from among the
43 employees of his Department;

- 1 (1a) The Secretary of the Department of ~~Economic and Community~~
 2 ~~Development-Commerce~~ or his designee;
- 3 (2) The Secretary of the Department of Administration or his designee;
- 4 (3) The Secretary of the Department of Transportation and Highway
 5 Safety or his designee, and one additional member selected by him
 6 from his Department;
- 7 (4) The State Health Director;
- 8 (5) The Commissioner of Agriculture or his designee;
- 9 (6) The Secretary of the Department of Cultural Resources or his
 10 designee;
- 11 (7) One member from each of the four multi-county planning districts of
 12 the coastal area to be appointed by the lead regional agency of each
 13 district;
- 14 (8) One representative from each of the counties in the coastal area to be
 15 designated by the respective boards of county commissioners;
- 16 (9) No more than eight additional members representative of cities in the
 17 coastal area and to be designated by the Commission;
- 18 (10) Three members selected by the Commission who are marine scientists
 19 or technologists;
- 20 (11) One member who is a local health director selected by the Commission
 21 upon the recommendation of the Secretary."

22 Sec. 27. G.S. 113B-3(a) reads as rewritten:

23 "(a) The Energy Policy Council shall consist of 18 members to be appointed as
 24 follows:

- 25 (1) Two members of the North Carolina House of Representatives to be
 26 appointed by the Speaker of the House of Representatives;
- 27 (2) Two members of the North Carolina Senate to be appointed by the
 28 President Pro Tempore of the Senate;
- 29 (3) Nine public members who are citizens of the State of North Carolina
 30 to be appointed by the Governor;
- 31 (4) The chairman of the North Carolina Utilities Commission, the
 32 Secretary of Environment, Health, and Natural Resources, the
 33 Commissioner of Agriculture, the Secretary of ~~Economic and~~
 34 ~~Community-Development-Commerce~~ and the Secretary of
 35 Administration or their designees from their respective departments."

36 Sec. 28. G.S. 113B-11 reads as rewritten:

37 "**§ 113B-11. Powers and authority.**

38 (a) The Energy Policy Council is authorized to secure directly from any officer,
 39 office, department, commission, board, bureau, institution and other agency of the State
 40 and its political subdivisions any information it deems necessary to carry out its
 41 functions; and all such officers and agencies shall cooperate with the Council and, to the
 42 extent permitted by law, furnish such information to the Council as it may request.

43 (b) To assure the adequate development of relevant energy information, as
 44 provided in G.S. 113B-10, the Council may require all energy producers and major

1 energy consumers, as determined by the Council, to file such reports and forecasts and
2 at such dates as the Council may request; provided, however, that the Council may
3 request only specific energy-related information which it deems necessary to carry out
4 its duties as defined in Articles 1 and 2 of this Chapter.

5 (c) The Council shall have authority to apply for and utilize grants, contributions
6 and appropriations in order to carry out its duties as defined in Articles 1 and 2 of this
7 Chapter, provided, however, that all such applications and requests are made through
8 and administered by the Department of ~~Economic and Community Development~~
9 Commerce.

10 (d) The Council shall have authority to request said ~~Division~~ ~~[Department]~~
11 Department to allocate and dispense any funds made available to the Council for energy
12 research and related work efforts in such a manner as the Council desires subject only to
13 the stipulation that said funds be reasonably used in furtherance of the purposes of this
14 Article.

15 (e) The Energy Division of the Department of ~~Economic and Community~~
16 ~~Development-Commerce~~ shall provide the staffing capability to the Energy Policy
17 Council so as to fully and effectively develop recommendations for a comprehensive
18 State energy policy as contained in the provisions of this Article. The Utilities
19 Commission is hereby authorized to make its staff available to the Council to assist in
20 the development of a State energy policy."

21 Sec. 29. G.S. 114-4.2D reads as rewritten:

22 "**§ 114-4.2D. Employment of attorney for Energy Division of Department of**
23 **~~Economic and Community Development-Commerce~~**.

24 The Attorney General shall assign an attorney on his staff to work full time with the
25 Energy Division of the Department of ~~Economic and Community Development~~
26 Commerce. Such attorney shall be subject to all provisions of Chapter 126 of the
27 General Statutes relating to the State Personnel System. Such attorney shall also
28 perform such additional duties as may be assigned to him by the Attorney General."

29 Sec. 30. G.S. 121-4(15) reads as rewritten:

30 "(15) To encourage and develop, in cooperation with the Department of
31 Administration and in consultation with the Department of
32 Transportation, the Department of ~~Economic and Community~~
33 ~~Development-Commerce~~, the Department of Environment, Health,
34 and Natural Resources, the North Carolina League of
35 Municipalities, the North Carolina Association of County
36 Commissioners, and the Historic Preservation Foundation of North
37 Carolina, Inc., a central clearinghouse for information on historic
38 preservation for the benefit and use of public and private agencies
39 and persons in North Carolina."

40 Sec. 31. G.S. 122E-4(b) reads as rewritten:

41 "(b) The Partnership shall consist of 13 members as follows:

42 (1) The Executive Director of the North Carolina Housing Finance
43 Agency shall serve ex officio;

- 1 (2) The Secretary of the Department of ~~Economic and Community~~
2 ~~Development-Commerce~~ or his designee shall serve ex officio;
- 3 (3) The State Treasurer or his designee shall serve ex officio;
- 4 (4) In accordance with G.S. 120-121, five members shall be appointed
5 by the General Assembly upon the recommendation of the
6 President of the Senate, provided that one member shall be a
7 representative of the homebuilding industry, one member shall be a
8 low income housing advocate, and one member shall be a
9 representative of the League of Municipalities;
- 10 (5) In accordance with G.S. 120-121, five members shall be appointed
11 by the General Assembly upon the recommendation of the Speaker
12 of the House of Representatives, provided that one member shall be
13 a representative of the real estate lending industry; one member
14 shall be a representative of a non-profit housing development
15 corporation; and one member shall be a resident of low income
16 housing.

17 The members of the Partnership shall elect one of their members to serve as
18 Chairman for a term of one year. Seven members of the Partnership shall constitute a
19 quorum. All members shall have the right to vote on all issues before the Partnership."

20 Sec. 32. G.S. 130A-309.14 reads as rewritten:

21 "**§ 130A-309.14. Duties of State agencies.**

22 (a) It shall be the duty of each State agency, the General Assembly, the General
23 Court of Justice, and The University of North Carolina, by 1 January 1992, to:

- 24 (1) Establish a program in cooperation with the Department and the
25 Department of Administration, for the collection of all recyclable
26 aluminum and wastepaper materials generated in State offices
27 throughout the State, including, at a minimum, high-grade office
28 paper and corrugated paper.
- 29 (2) Provide procedures for collecting and storing recyclable materials,
30 containers for storing materials, and contractual or other
31 arrangements with buyers of the recyclable materials.
- 32 (3) Evaluate the amount of recyclable wastepaper material recycled
33 and make all necessary modifications to the recycling program to
34 ensure that all recyclable wastepaper materials are effectively and
35 practically recycled.
- 36 (4) Establish and implement, in cooperation with the Department and
37 the Department of Administration, a solid waste reduction program
38 for materials used in the course of agency operations. The program
39 shall be designed and implemented to achieve maximum feasible
40 reduction of solid waste generated as a result of agency operations.

41 (b) The Department of ~~Economic and Community Development-Commerce~~ shall
42 assist and encourage the recycling industry in the State. Assistance and encouragement
43 of the recycling industry shall include:

- 1 (1) Identifying and analyzing, in cooperation with the Department,
2 components of the State's recycling industry and present and
3 potential markets for recyclable materials in this State, other states,
4 and foreign countries;
- 5 (2) Providing information on the availability and benefits of using
6 recycled materials to businesses and industries in the State; and
- 7 (3) Distributing any material prepared in implementing this section to
8 the public, businesses, industries, units of local government, or
9 other organizations upon request.

10 (c) By 1 March 1991, and every other year thereafter, the Department of
11 ~~Economic and Community Development~~ Commerce shall prepare a report assessing the
12 recycling industry and recyclable materials markets in the State.

13 (d) The Department of ~~Economic and Community Development~~ Commerce shall
14 investigate the potential markets for composted materials and shall submit its findings to
15 the Department for the waste registry informational program administered by the
16 Department in order to stimulate absorption of available composted materials into such
17 markets.

18 (e) On or before 1 March 1991, the Department of ~~Economic and Community~~
19 ~~Development~~ Commerce shall report to the General Assembly its findings relative to:

- 20 (1) Potential markets for composted materials, including private and
21 public sector markets;
- 22 (2) The types of materials which may legally and effectively be used in
23 a successful composting operation; and
- 24 (3) The manner in which the composted materials should be marketed
25 for optimum use.

26 (f) (1) All State agencies, including the Department of
27 Transportation and the Department of Administration, and units of
28 local government are required to procure compost products when
29 they can be substituted for, and cost no more than, regular soil
30 amendment products, provided the compost products meet all
31 applicable engineering and environmental quality standards,
32 specifications, and rules. This product preference shall apply to,
33 but not be limited to, highway construction and maintenance
34 projects, highway planting and beautification projects, recultivation
35 and erosion control programs, and other projects.

36 (2) The Department of Transportation shall, consistent with economic
37 feasibility and applicable engineering and environmental quality
38 standards, use scrap tires, demolition debris, and untreated,
39 stabilized, or encapsulated ash from boilers and incinerators in
40 highway construction and maintenance projects.

41 (g) The Department of Public Instruction, with the assistance of the Department
42 and The University of North Carolina, shall develop, distribute, and encourage the use
43 of guidelines for the collection of recyclable materials and for solid waste reduction in
44 the State system of education. At a minimum, the guidelines shall address solid waste

1 generated in administrative offices, classrooms, dormitories, and cafeterias. The
2 guidelines shall be developed by 1 January 1991.

3 (h) In order to orient students and their families to the recycling of waste and to
4 encourage the participation of schools, communities, and families in recycling
5 programs, the school board of each school district in the State shall make available an
6 awareness program in the recycling of waste materials. The program shall be provided
7 at both the elementary and secondary levels of education.

8 (i) The Department of Public Instruction is directed to develop, from funds
9 appropriated for environmental education, curriculum materials and resource guides for
10 a recycling awareness program for instruction at the elementary, middle, and high
11 school levels."

12 Sec. 33. G.S. 130B-6(a) reads as rewritten:

13 "(a) Creation. – The North Carolina Hazardous Waste Management Commission
14 is hereby created as follows:

15 (1) The Commission shall be located within the Department of
16 ~~Economic and Community Development~~ Commerce. The
17 Commission shall exercise all of its powers independently of the
18 Secretary of ~~Economic and Community Development~~ Commerce and,
19 notwithstanding any other provision of law, shall be subject to the
20 direction and supervision of the Secretary of ~~Economic and~~
21 ~~Community Development~~ Commerce only with respect to the
22 management functions of coordinating and reporting.

23 (2) The Commission shall continue until its existence shall be
24 terminated by law. Upon the termination of the existence of the
25 Commission, all of its rights and properties shall pass to and be
26 vested in the State.

27 (3) The Department of ~~Economic and Community Development~~
28 Commerce and the Department of Administration shall provide
29 such technical, clerical, and other support services and personnel as
30 the Commission may require in the performance of its functions.
31 The Commission shall reimburse the Departments for such services
32 from its revenues or from other funding sources."

33 Sec. 34. G.S. 143-166.13(a) reads as rewritten:

34 "(a) The following persons who are subject to the Criminal Justice Training and
35 Standards Act are entitled to benefits under this Article:

36 (1) State Government Security Officers, Department of
37 Administration;

38 (2) State Correctional Officers, Department of Corrections;

39 (3) State Probation and Parole Officers, Department of Corrections;

40 (4) Sworn State Law-Enforcement Officers with the power of arrest,
41 Department of Corrections;

42 (5) Alcohol Law-Enforcement Agents, Department of Crime Control
43 and Public Safety;

- 1 (6) State Highway Patrol Officers, Department of Crime Control and
2 Public Safety;
- 3 (7) State Legislative Building Special Police, General Assembly;
- 4 (8) Sworn State Law-Enforcement Officers with the power of arrest,
5 Department of Human Resources;
- 6 (9) Youth Correctional Officers, Department of Human Resources;
- 7 (10) Insurance Investigators, Department of Insurance;
- 8 (11) State Bureau of Investigation Officers and Agents, Department of
9 Justice;
- 10 (12) Director and Assistant Director, License and Theft Enforcement
11 Section, Division of Motor Vehicles, Department of
12 Transportation;
- 13 (13) Members of License and Theft Enforcement Section, Division of
14 Motor Vehicles, Department of Transportation, designated by the
15 Commissioner of Motor Vehicles as either 'inspectors' or
16 uniformed weigh station personnel;
- 17 (14) Utilities Commission Transportation Inspectors and Special
18 Investigators;
- 19 (15) North Carolina Ports Authority Police, Department of ~~Economic and~~
20 ~~Community Development, Commerce;~~
- 21 (16) Sworn State Law-Enforcement Officers with the power of arrest,
22 Department of Environment, Health, and Natural Resources;
- 23 (17) Sworn State Law-Enforcement Officers with the power of arrest,
24 Department of Crime Control and Public Safety."

25 Sec. 35. G.S. 143-169.2(b) reads as rewritten:

26 "(b) For the purposes of this Article, the term 'agency' shall mean and include, as
27 the context may require, State department, institution, university, commission,
28 committee, board, licensing board, division, bureau, officer or official; provided,
29 however, the provisions of G.S. 143-169.1 shall not apply to the General Assembly, the
30 Department of Revenue, the Department of ~~Economic and Community Development,~~
31 Commerce, or to the Administrative Office of the Courts and the court system, nor shall
32 the provisions of G.S. 143-170.2 and 143-170.3 apply to the General Assembly or to the
33 Administrative Office of the Courts and the courts system."

34 Sec. 36. G.S. 143A-11 reads as rewritten:

35 "**§ 143A-11. Principal departments.**

36 Except as otherwise provided by this Chapter, or the State Constitution, all executive
37 and administrative powers, duties and functions, not including those of the General
38 Assembly and the judiciary, previously vested by law in the several State agencies, are
39 vested in the following principal offices or departments:

- 40 (1) Office of the Governor.
- 41 (2) Office of the Lieutenant Governor.
- 42 (3) Department of the Secretary of State.
- 43 (4) Department of State Auditor.
- 44 (5) Department of State Treasurer.

- 1 (6) Department of Public Education.
 2 (7) Department of Justice.
 3 (8) Department of Agriculture.
 4 (9) Department of Labor.
 5 (10) Department of Insurance.
 6 (11) Department of Administration.
 7 (12) Department of Transportation.
 8 (13) Department of Environment, Health, and Natural Resources.
 9 (14) Repealed by Session Laws 1973, c. 476, s. 6.
 10 (15) Department of Social Rehabilitation and Control.
 11 (16) Department of ~~Economic and Community Development~~.
 12 Commerce.
 13 (17), (18) Repealed by Session Laws 1973, c. 476, s. 6.
 14 (19) Repealed by Session Laws 1973, c. 620, s. 9."

15 Sec. 37. G.S. 143B-2 reads as rewritten:

16 **"§ 143B-2. Interim applicability of the Executive Organization Act of 1973.**

17 The Executive Organization Act of 1973 shall be applicable only to the following
 18 named departments:

- 19 (1) Department of Cultural Resources
 20 (2) Department of Human Resources
 21 (3) Department of Revenue
 22 (4) Department of Crime Control and Public Safety
 23 (5) Department of Correction
 24 (6) Department of Environment, Health, and Natural Resources
 25 (7) Department of Transportation
 26 (8) Department of Administration
 27 (9) Department of ~~Economic and Community Development~~.
 28 Commerce."

29 Sec. 38. G.S. 143B-6 reads as rewritten:

30 **"§ 143B-6. Principal departments.**

31 In addition to the principal departments enumerated in the Executive Organization
 32 Act of 1971, all executive and administrative powers, duties, and functions not
 33 including those of the General Assembly and its agencies, the General Court of Justice
 34 and the administrative agencies created pursuant to Article IV of the Constitution of
 35 North Carolina, and higher education previously vested by law in the several State
 36 agencies, are vested in the following principal departments:

- 37 (1) Department of Cultural Resources
 38 (2) Department of Human Resources
 39 (3) Department of Revenue
 40 (4) Department of Crime Control and Public Safety
 41 (5) Department of Correction
 42 (6) Department of Environment, Health, and Natural Resources
 43 (7) Department of Transportation
 44 (8) Department of Administration

- 1 (9) Department of ~~Economic and Community Development~~ Commerce
2 (10) Department of Community Colleges."
3 Sec. 39. G.S. 143B-74 reads as rewritten:

4 **"§ 143B-74. U.S.S. North Carolina Battleship Commission – members; selection;
5 quorum; compensation.**

6 The U.S.S. North Carolina Battleship Commission of the Department of Cultural
7 Resources shall consist of 18 members including the Secretary of Cultural Resources
8 and the Secretary of ~~Economic and Community Development~~ Commerce who shall serve
9 as voting ex officio members. The members of the Commission appointed for terms to
10 end in 1991 shall serve for an additional two-year period. At the end of the respective
11 terms of office of the members of the Commission serving in 1991, their successors
12 shall be appointed for terms of four years and until their successors are appointed and
13 qualify. Any appointment to fill a vacancy on the Commission created by the
14 resignation, dismissal, death, or disability of a member shall be for the balance of the
15 unexpired term. The provisions of the Executive Organization Act of 1973 pertaining to
16 the residence of members of commissions shall not apply to the U.S.S. North Carolina
17 Battleship Commission.

18 The Governor shall have the power to remove any member of the Commission from
19 office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions
20 of G.S. 143B-13 of the Executive Organization Act of 1973.

21 The members of the Commission shall receive per diem and necessary travel and
22 subsistence expenses in accordance with the provisions of G.S. 138-5.

23 A majority of the Commission shall constitute a quorum for the transaction of
24 business. The Governor shall designate from among the members of the Commission a
25 chairman, vice-chairman and treasurer. The Secretary of Cultural Resources or his
26 designee shall serve as Secretary of the Commission. The Commission shall meet at
27 least twice annually upon the call of the chairman, the Secretary of Cultural Resources,
28 or any seven members of the Commission."

29 Sec. 40. G.S. 143B-285.12(a)(1) reads as rewritten:

30 "(1) Four members from State government: the Secretary or
31 Commissioner of Environment, Health, and Natural Resources,
32 ~~Economic and Community Development~~, Commerce, Agriculture, and
33 Crime Control and Public Safety. At the request of such Secretary
34 or Commissioner, the Governor may appoint another official from
35 the same department to serve in his stead."

36 Sec. 41. G.S. 143B-390.11(e) reads as rewritten:

37 "(e) The Governor shall appoint two more members to serve ex officio. Ex officio
38 members shall have no vote. These members shall represent the following interests:

- 39 (1) One member from the Department of Environment, Health, and
40 Natural Resources who shall be an employee of the Department
41 whose responsibilities include coastal or marine matters; and
42 (2) One member from the Department of ~~Economic and Community~~
43 ~~Development~~ Commerce who shall be an employee of the
44 Department whose responsibilities include travel and tourism."

1 Sec. 42. G.S. 143B-417 reads as rewritten:

2 **"§ 143B-417. North Carolina Internship Council – creation; powers and duties.**

3 There is hereby created the North Carolina Internship Council of the Department of
4 Administration. The North Carolina Internship Council shall have the following
5 functions and duties:

- 6 (1) To determine the number of student interns to be allocated to each
7 of the following offices or departments:
- 8 a. Office of the Governor
 - 9 b. Department of Administration
 - 10 c. Department of Correction
 - 11 d. Department of Cultural Resources
 - 12 e. Department of Revenue
 - 13 f. Department of Transportation
 - 14 g. Department of Environment, Health, and Natural Resources
 - 15 h. Department of ~~Economic and Community Development~~
16 Commerce
 - 17 i. Department of Crime Control and Public Safety
 - 18 j. Department of Human Resources
 - 19 k. Office of the Lieutenant Governor
 - 20 l. Office of the Secretary of State
 - 21 m. Office of the State Auditor
 - 22 n. Office of the State Treasurer
 - 23 o. Department of Public Education
 - 24 p. Repealed by Session Laws 1985, c. 757, s. 162, effective July 1,
25 1985
 - 26 q. Department of Agriculture
 - 27 r. Department of Labor
 - 28 s. Department of Insurance
 - 29 t. Office of the Speaker of the House of Representatives
 - 30 u. Justices of the Supreme Court and Judges of the Court of
31 Appeals
 - 32 v. Department of Community Colleges
 - 33 w. Office of State Personnel
 - 34 x. Office of the Senate President Pro Tempore;
- 35 (2) To screen applications for student internships and select from these
36 applications the recipients of student internships; and
- 37 (3) To determine the appropriateness of proposals for projects for
38 student interns submitted by the offices and departments
39 enumerated in (1)."

40 Sec. 43. G.S. 143B-426.22(a) reads as rewritten:

41 "(a) Creation; Membership. – The Governor's Management Council is created in
42 the Department of Administration. The Council shall contain the following members:
43 The Secretary of Administration, who shall serve as chairman, a senior staff officer
44 responsible for productivity and management programs from the Departments of

1 ~~Economic and Community Development, Commerce, Revenue, Environment, Health, and~~
2 Natural Resources, Transportation, Crime Control and Public Safety, Cultural
3 Resources, Correction, Human Resources, and Administration; and an equivalent officer
4 from the Offices of State Personnel, State Budget and Management, and the Governor's
5 Program for Executive and Organizational Development. The following persons may
6 also serve on the Council if the entity represented chooses to participate: a senior staff
7 officer responsible for productivity and management programs from any State
8 department not previously specified in this section, and a representative from The
9 University of North Carolina."

10 Sec. 44. Article 10 of Chapter 143B of the General Statutes is amended by
11 deleting the existing title and substituting "Department of Commerce".

12 Sec. 45. G.S. 143B-427 reads as rewritten:

13 **"§ 143B-427. Department of ~~Economic and Community Development~~Commerce –**
14 **creation.**

15 There is hereby recreated and reconstituted a Department to be known as the
16 'Department of ~~Economic and Community Development,~~Commerce,' with the
17 organization, powers, and duties defined in Article 1 of this Chapter, except as modified
18 in this Article."

19 Sec. 46. The catch line of G.S. 143B-428 reads as rewritten:

20 **"§ 143B-428. Department of ~~Economic and Community Development~~Commerce –**
21 **declaration of policy."**

22 Sec. 47. G.S. 143B-429 reads as rewritten:

23 **"§ 143B-429. Department of ~~Economic and Community Development~~Commerce –**
24 **duties.**

25 It shall be the duty of the Department of ~~Economic and Community Development~~
26 Commerce to provide for and promote the implementation of the declared policy of the
27 State of North Carolina as provided in G.S. 143B-428, to promote and assist in the total
28 economic development of North Carolina in accord with such declared policy and to
29 perform such other duties and functions as are conferred by this Chapter, delegated or
30 assigned by the Governor and conferred by the Constitution and laws of this State."

31 Sec. 48. G.S. 143B-430 reads as rewritten:

32 **"§ 143B-430. Secretary of ~~Economic and Community Development~~Commerce –**
33 **powers and duties.**

34 (a) The head of the Department of ~~Economic and Community Development~~
35 Commerce is the Secretary of ~~Economic and Community Development~~Commerce. The
36 Secretary of ~~Economic and Community Development~~Commerce shall have such powers
37 and duties as are conferred on him by this Chapter, delegated to him by the Governor,
38 and conferred on him by the Constitution and laws of this State. The Secretary of
39 ~~Economic and Community Development~~Commerce shall be responsible for effectively
40 and efficiently organizing the Department of ~~Economic and Community Development~~
41 Commerce to promote the policy of the State of North Carolina as outlined in G.S.
42 143B-428 and to promote statewide economic development in accord with that policy.
43 Except as otherwise specifically provided in this Article and in Article 1 of this Chapter,
44 the functions, powers, duties and obligations of every agency or subunit in the

1 Department of ~~Economic and Community Development~~ Commerce shall be prescribed by
2 the Secretary of ~~Economic and Community Development~~ Commerce.

3 (b) The Secretary of ~~Economic and Community Development~~ Commerce shall have
4 the power and duty to accept and administer federal funds provided to the State through
5 the Job Training Partnership Act, Pub. L. No. 97-300, 96 Stat. 1322, 29 U.S.C. § 1501
6 **et seq.**, as amended."

7 Sec. 49. G.S. 143B-431 reads as rewritten:

8 "**§ 143B-431. Department of ~~Economic and Community Development~~ Commerce –**
9 **functions.**

10 (a) The functions of the Department of ~~Economic and Community Development~~,
11 Commerce, except as otherwise expressly provided by Article 1 of this Chapter or by
12 the Constitution of North Carolina, shall include:

13 (1) All of the executive functions of the State in relation to economic
14 development including by way of enumeration and not of
15 limitation, the expansion and recruitment of environmentally sound
16 industry, labor force development, the promotion of and assistance
17 in the orderly development of North Carolina counties and
18 communities, the promotion and growth of the travel and tourism
19 industries, the development of our State's ports, energy resource
20 management and energy policy development;

21 (2) All functions, powers, duties and obligations heretofore vested in
22 an agency enumerated in Article 15 of Chapter 143A, to wit:

- 23 a. The State Board of Alcoholic Control,
- 24 b. The North Carolina Utilities Commission,
- 25 c. The Employment Security Commission,
- 26 d. The North Carolina Industrial Commission,
- 27 e. State Banking Commission and the Commissioner of Banks,
- 28 f. Savings and Loan Association Division,
- 29 g. The State Savings Institutions Commission,
- 30 h. Credit Union Commission,
- 31 i. The North Carolina Milk Commission,
- 32 j. The North Carolina Mutual Burial Association Commission,
- 33 k. The North Carolina Rural Electrification Authority,
- 34 l. The North Carolina State Ports Authority, all of which
35 enumerated agencies are hereby expressly transferred by a Type
36 II transfer, as defined by G.S. 143A-6, to this recreated and
37 reconstituted Department of ~~Economic and Community~~
38 Development; Commerce; and,

39 (3) All other functions, powers, duties and obligations as are conferred
40 by this Chapter, delegated or assigned by the Governor and
41 conferred by the Constitution and laws of this State. Any agency
42 transferred to the Department of ~~Economic and Community~~
43 Development Commerce by a Type II transfer, as defined by G.S.
44 143A-6, shall have the authority to employ, direct and supervise

1 professional and technical personnel, and such agencies shall not
2 be accountable to the Secretary of ~~Economic and Community~~
3 ~~Development~~ Commerce in their exercise of quasi-judicial powers
4 authorized by statute, notwithstanding any other provisions of this
5 Chapter, provided that the authority of the North Carolina State
6 Ports Authority to employ, direct and supervise personnel shall be
7 as provided in Part 10 of this Article.

8 (b) The Department of ~~Economic and Community Development~~ Commerce is
9 authorized to establish and provide for the operation of North Carolina nonprofit
10 corporations to achieve the purpose of aiding the development of small businesses and
11 to achieve the purposes of the United States Small Business Administration's 504
12 Certified Development Company Program.

13 (c) The Department of ~~Economic and Community Development~~ Commerce shall
14 have the following powers and duties with respect to local planning assistance:

- 15 (1) To provide planning assistance to municipalities and counties and
16 joint and regional planning boards established by two or more
17 governmental units in the solution of their local planning problems.
18 Planning assistance as used in this section shall consist of making
19 population, economic, land use, traffic, and parking studies and
20 developing plans based thereon to guide public and private
21 development and other planning work of a similar nature. Planning
22 assistance shall also include the preparation of proposed
23 subdivision regulations, zoning ordinances, capital budgets, and
24 similar measures that may be recommended for the implementation
25 of such plans. The term planning assistance shall not be construed
26 to include the providing of plans for specific public works.
- 27 (2) To receive and expend federal and other funds for planning
28 assistance to municipalities and counties and to joint and regional
29 planning boards, and to enter into contracts with the federal
30 government, municipalities, counties, or joint and regional
31 planning boards with reference thereto.
- 32 (3) To perform planning assistance, either through the staff of the
33 Department or through acceptable contractual arrangements with
34 other qualified State agencies or institutions, local planning
35 agencies, or with private professional organizations or individuals.
- 36 (4) To assume full responsibility for the proper execution of a planning
37 program for which a grant of State or federal funds has been made
38 and for carrying out the terms of a federal grant contract.
- 39 (5) To cooperate with municipal, county, joint and regional planning
40 boards, and federal agencies for the purpose of aiding and
41 encouraging an orderly, coordinated development of the State.
- 42 (6) To establish and conduct, either with its own staff or through
43 contractual arrangements with institutions of higher education,

1 State agencies, or private agencies, training programs for those
2 employed or to be employed in community development activities.

3 (d) The Department of ~~Economic and Community Development~~, Commerce, with
4 the approval of the Governor, may apply for and accept grants from the federal
5 government and its agencies and from any foundation, corporation, association, or
6 individual and may comply with the terms, conditions, and limitations of such grants in
7 order to accomplish the Department's purposes. Grant funds shall be expended pursuant
8 to the Executive Budget Act. In addition, the Department shall have the following
9 powers and duties with respect to its duties in administering federal programs:

10 (1) To negotiate, collect, and pay reasonable fees and charges
11 regarding the making or servicing of grants, loans, or other
12 evidences of indebtedness.

13 (2) To establish and revise by regulation, in accordance with Chapter
14 150B of the General Statutes, schedules of reasonable rates, fees, or
15 charges for services rendered, including but not limited to,
16 reasonable fees or charges for servicing applications. Schedules of
17 rates, fees, or charges may vary according to classes of service, and
18 different schedules may be adopted for public entities, nonprofit
19 entities, private for-profit entities, and individuals."

20 Sec. 50. G.S. 143B-431.1 reads as rewritten:

21 **"§ 143B-431.1. Toll-free number for information on housing assistance.**

22 There shall be established in the Department of ~~Economic and Community~~
23 ~~Development~~ Commerce a toll-free telephone number to provide information on housing
24 assistance to the citizens of the State."

25 Sec. 51. G.S. 143B-432 reads as rewritten:

26 **"§ 143B-432. Transfers to Department of ~~Economic and Community Development~~.**
27 **Commerce.**

28 (a) The Division of Economic Development of the Department of Natural and
29 Economic Resources, the Science and Technology Committee of the Department of
30 Natural and Economic Resources, the Science and Technology Research Center of the
31 Department of Natural and Economic Resources, and the North Carolina National Park,
32 Parkway and Forests Development Council of the Department of Natural and Economic
33 Resources are each hereby transferred to the Department of ~~Economic and Community~~
34 ~~Development~~ Commerce by a Type I transfer, as defined in G.S. 143A-6.

35 (b) All functions, powers, duties, and obligations heretofore vested in the
36 following subunits of the Department of Natural Resources and Community
37 Development are hereby transferred to and vested in the Department of ~~Economic and~~
38 ~~Community Development~~ Commerce by a Type I transfer as defined in G.S. 143A-6:

39 (1) Community Assistance Division.

40 (2) Employment and Training Division.

41 (c) All functions, powers, duties, and obligations heretofore vested in the
42 following councils of the Department of Natural Resources and Community
43 Development are hereby transferred to and vested in the Department of ~~Economic and~~
44 ~~Community Development~~ Commerce by a Type II transfer as defined in G.S. 143A-6:

- 1 (1) Community Development Council.
2 (2) Job Training Coordinating Council."

3 Sec. 52. G.S. 143B-433 reads as rewritten:

4 "**§ 143B-433. Department of ~~Economic and Community Development~~Commerce –**
5 **organization.**

6 The Department of ~~Economic and Community Development~~Commerce shall be
7 organized to include:

- 8 (a) (1) The North Carolina Alcoholic Beverage Control
9 Commission,
10 (2) The North Carolina Utilities Commission,
11 (3) The Employment Security Commission,
12 (4) The North Carolina Industrial Commission,
13 (5) State Banking Commission,
14 (6) Savings and Loan Association Division,
15 (7) The State Savings Institutions Commission,
16 (8) Credit Union Commission,
17 (9) The North Carolina Milk Commission,
18 (10) The North Carolina Mutual Burial Association Commission,
19 (11) North Carolina Cemetery Commission,
20 (12) The North Carolina Rural Electrification Authority,
21 (13) Repealed by Session Laws 1985, c. 757, s. 179(d),
22 (14) North Carolina Science and Technology Research Center,
23 (15) The North Carolina State Ports Authority,
24 (16) North Carolina National Park, Parkway and Forests Development
25 Council,
26 (17) Economic Development Board,
27 (18) Labor Force Development Council,
28 (19) Energy Policy Council,
29 (20) Energy Division,
30 (21) Navigation and Pilotage Commissions established by Chapter 76 of
31 the General Statutes,
32 (22) The North Carolina Technological Development Authority.

33 (b) Those agencies which are transferred to the Department of ~~Economic and~~
34 ~~Community Development~~Commerce including the:

- 35 (1) Community Assistance Division,
36 (2) Community Development Council,
37 (3) Employment and Training Division, and
38 (4) Job Training Coordinating Council; and

39 (c) Such divisions as may be established pursuant to Article 1 of this Chapter."

40 Sec. 53. G.S. 143B-433.1(a) reads as rewritten:

41 "(a) There is created the Housing Coordination and Policy Council of the
42 Department of ~~Economic and Community Development~~Commerce. The Housing
43 Coordination and Policy Council shall have the following functions and duties:

- 1 (1) To advise the Secretary of ~~Economic and Community Development~~
2 Commerce and the Deputy Secretary of Community Development
3 and Housing regarding the coordination of various public and
4 private low and moderate income housing programs;
- 5 (2) To advise the Secretary of ~~Economic and Community Development~~
6 Commerce and the Deputy Secretary of Community Development
7 and Housing in the preparation of an overall, comprehensive State
8 housing plan with specific recommendations to address identified
9 areas of need, which report shall be presented to the Governor and
10 General Assembly;
- 11 (3) To advise the Secretary of ~~Economic and Community Development~~
12 Commerce and the Deputy Secretary of Community Development
13 and Housing with respect to the best use of housing resources
14 under the Deputy Secretary; and
- 15 (4) To advise the Secretary of ~~Economic and Community Development~~
16 Commerce regarding any other matter relating to housing the
17 Secretary may refer to it."

18 Sec. 54. G.S. 143B-434.1 reads as rewritten:

19 **"§ 143B-434.1. The North Carolina Travel and Tourism Board – creation, duties,**
20 **membership.**

21 (a) There is created within the Department of ~~Economic and Community~~
22 ~~Development-Commerce~~ the North Carolina Travel and Tourism Board. The Secretary
23 of ~~Economic and Community Development-Commerce~~ and the Director of the Division of
24 Travel and Tourism will work with the Board to fulfill the duties and requirements set
25 forth in this section, and to promote the sound development of the travel and tourism
26 industry in North Carolina.

27 (b) The function and duties of the Board shall be:

- 28 (1) To advise the Secretary of ~~Economic and Community Development~~
29 Commerce in the formulation of policy and priorities for the
30 promotion and development of travel and tourism in the State.
- 31 (2) To advise the Secretary of ~~Economic and Community Development~~
32 Commerce in the development of a budget for the Division of
33 Travel and Tourism.
- 34 (3) To recommend programs to the Secretary of ~~Economic and~~
35 ~~Community Development-Commerce~~ that will promote the State as a
36 travel and tourism destination and that will develop travel and
37 tourism opportunities throughout the State.
- 38 (4) To advise the Secretary of ~~Economic and Community Development~~
39 Commerce every three months as to the effectiveness of agencies
40 with which the Department has contracted for advertising and
41 regarding the selection of an advertising agency that will assist the
42 Department in the promotion of the State as a travel and tourism
43 destination.

- 1 (5) To name a three-member subcommittee, with one member from
2 each of the eastern, central, and western regions of the State, to
3 make recommendations to the Secretary of ~~Economic and~~
4 ~~Community Development~~ Commerce regarding any revisions in the
5 matching funds tourism grants program, project applications, and
6 criteria for projects that qualify for participation in the program.
- 7 (6) To advise the Secretary of ~~Economic and Community Development~~
8 Commerce from time to time as to the effectiveness of the overall
9 operations of the Division of Travel and Tourism.
- 10 (7) To promote the exchange of ideas and information on travel and
11 tourism between State and local governmental agencies, and
12 private organizations and individuals.
- 13 (8) To advise the Secretary of ~~Economic and Community Development~~
14 Commerce upon any matter that the Secretary, Governor, or
15 Director of the Division of Travel and Tourism may refer to it.
- 16 (c) The Board shall consist of 25 members as follows:
- 17 (1) The Secretary of ~~Economic and Community Development,~~
18 Commerce, who shall not be a voting member.
- 19 (2) The Director of the Division of Travel and Tourism, who shall not
20 be a voting member.
- 21 (3) Two members designated by the Board of Directors of the North
22 Carolina Hotel and Motel Association.
- 23 (4) Two members designated by the Board of Directors of the North
24 Carolina Restaurant Association.
- 25 (5) Three Directors of Convention and Visitor Bureaus designated by
26 the Board of Directors of the North Carolina Association of
27 Convention and Visitor Bureaus.
- 28 (6) The Chairperson of the Travel and Tourism Coalition.
- 29 (7) The President of the Travel Council of North Carolina.
- 30 (8) A member designated by the Board of Directors of the Travel
31 Council of North Carolina.
- 32 (9) The President of North Carolina Citizens for Business and
33 Industry.
- 34 (10) One member designated by the North Carolina Petroleum
35 Marketers Association.
- 36 (11) One person associated with tourism attractions in North Carolina,
37 appointed by the General Assembly, upon recommendation of the
38 Speaker of the House of Representatives.
- 39 (12) One person associated with the tourism-related transportation
40 industry, appointed by the General Assembly upon
41 recommendation of the President Pro Tempore of the Senate.
- 42 (13) Four public members each interested in matters relating to travel
43 and tourism, two appointed by the Governor (one from a rural area
44 and one from an urban area), one appointed by the General

1 Assembly upon recommendation of the Speaker of the House, and
2 one appointed by the General Assembly upon recommendation of
3 the President Pro Tempore of the Senate.

4 (14) One member associated with the major cultural resources and
5 activities of the State in North Carolina, appointed by the
6 Governor.

7 (15) Two members of the House of Representatives, appointed by the
8 General Assembly upon recommendation of the Speaker of the
9 House of Representatives.

10 (16) Two members of the Senate, appointed by the General Assembly
11 upon recommendation of the President Pro Tempore of the Senate.

12 (d) The members of the Board shall serve the following terms: the Secretary of
13 ~~Economic and Community Development, Commerce,~~ the Director of the Division of
14 Travel and Tourism, the Chairperson of the Travel and Tourism Coalition, the President
15 of the Travel Council of North Carolina, and the President of North Carolina Citizens
16 for Business and Industry shall serve on the Board while they hold their respective
17 offices. Each member of the Board appointed by the Governor shall serve during his or
18 her term of office. The members of the Board appointed by the General Assembly shall
19 serve two-year terms beginning on January 1 of odd-numbered years and ending on
20 December 31 of the following year. The first such term shall begin on January 1, 1991,
21 or as soon thereafter as the member is appointed to the Board, and end on December 31,
22 1992. All other members of the Board shall serve a term which consists of the portion
23 of calendar year 1991 that remains following their appointment or designation and,
24 thereafter, two-year terms which shall begin on January 1 of an even-numbered year and
25 end on December 31 of the following year. The first such two-year term shall begin on
26 January 1, 1992, and end on December 31, 1994.

27 (e) No member of the Board, except a member serving by virtue of his or her
28 office, shall serve during more than five consecutive calendar years, except that a
29 member shall continue to serve until his or her successor is appointed.

30 (f) Appointments to fill vacancies in the membership of the Board that occur due
31 to resignation, dismissal, death, or disability of a member shall be for the balance of the
32 unexpired term and shall be made by the same appointing authority that made the initial
33 appointment.

34 (g) Board members who are employees of the State shall receive travel
35 allowances at the rate set forth in G.S. 138-6. Board members who are legislators shall
36 be reimbursed for travel and subsistence in accordance with G.S. 120-3.1. All other
37 Board members, except those serving pursuant to subdivisions (3) through (10) of
38 subsection (c) of this section, shall receive per diem, subsistence, and travel expenses at
39 the rate set forth in G.S. 138-5. Board members serving pursuant to subdivisions (3)
40 through (10) of subsection (c) of this section shall not receive per diem, subsistence, or
41 travel expenses. The expenses set forth in this section shall be paid by the Division of
42 Travel and Tourism of the Department of ~~Economic and Community Development.~~
43 Commerce.

1 (h) At its first meeting in 1991, the Board shall elect one of its voting members to
2 serve as Chairperson during calendar year 1991. At its last regularly scheduled meeting
3 in 1991, and at its last regularly scheduled meeting in each year thereafter, the Board
4 shall elect one of its voting members to serve as Chairperson for the coming calendar
5 year. No person shall serve as Chairperson during more than three consecutive calendar
6 years. The Chairperson shall continue to serve until his or her successor is elected.

7 (i) A majority of the current voting membership shall constitute a quorum.

8 (j) The Secretary of ~~Economic and Community Development~~ Commerce shall
9 provide clerical and other services as required by the Board."

10 Sec. 55. G.S. 143B-435 reads as rewritten:

11 "**§ 143B-435. Publications.**

12 The Department of ~~Economic and Community Development~~ Commerce may also cause
13 to be prepared for publication, from time to time, reports and statements, with
14 illustrations, maps and other descriptions, which may adequately set forth the natural
15 and material resources of the State and its industrial and commercial developments,
16 with a view to furnishing information to educate the people with reference to the
17 material advantages of the State, to encourage and foster existing industries, and to
18 present inducements for investment in new enterprises. Such information shall be
19 published and distributed as the Department of ~~Economic and Community Development~~
20 Commerce may direct. The costs of publishing and distributing such information shall
21 be paid from:

22 (1) State funds as other public documents; or

23 (2) Private funds received:

24 a. As donations, or

25 b. From the sale of appropriate advertising in such published
26 information."

27 Sec. 56. G.S. 143B-436 reads as rewritten:

28 "**§ 143B-436. Advertising of State resources and advantages.**

29 It is hereby declared to be the duty of the Department of ~~Economic and Community~~
30 ~~Development~~ Commerce to map out and to carry into effect a systematic plan for the
31 nationwide advertising of North Carolina, properly presenting, by the use of any
32 available advertising media, the true facts concerning the State of North Carolina and all
33 of its resources."

34 Sec. 57. G.S. 143B-437 reads as rewritten:

35 "**§ 143B-437. Investigation of impact of proposed new and expanding industry.**

36 The Department of ~~Economic and Community Development~~ Commerce shall conduct
37 an evaluation in conjunction with the Department of Environment, Health, and Natural
38 Resources of the effects on the State's natural and economic environment of any new or
39 expanding industry or manufacturing plant locating in North Carolina."

40 Sec. 58. G.S. 143B-437.1 reads as rewritten:

41 "**§ 143B-437.1. Community Development Council – creation; powers and duties.**

42 There is hereby created the Community Development Council to be located in the
43 Department of ~~Economic and Community Development~~ Commerce. The Community
44 Development Council shall have the following functions and duties:

- 1 (1) To advise the Secretary of ~~Economic and Community Development~~
2 Commerce with respect to promoting and assisting in the orderly
3 development of North Carolina counties and communities.
4 (2) To advise the Secretary of ~~Economic and Community Development~~
5 Commerce with respect to the type and effectiveness of planning
6 and management services provided to local government.
7 (3), (4) Repealed by Session Laws 1977, c. 198, s. 13.
8 (5) The Council shall consider and advise the Secretary of ~~Economic~~
9 ~~and Community Development~~ Commerce upon any matter the
10 Secretary may refer to it."

11 Sec. 59. G.S. 143B-437.2(g) reads as rewritten:

12 "(g) All clerical and other services required by the Council shall be supplied by
13 the Secretary of ~~Economic and Community Development~~ Commerce."

14 Sec. 60. G.S. 143B-437A reads as rewritten:

15 "**§ 143B-437A. Industrial Development Fund.**

16 (a) There is created in the Department of ~~Economic and Community Development~~
17 Commerce the Industrial Development Fund to provide funds to assist the local
18 government units of the most economically depressed counties in the State in creating
19 jobs. The Department of ~~Economic and Community Development~~ Commerce shall adopt
20 rules providing for the administration of the program. Those rules shall include the
21 following:

- 22 (1) The funds shall be used for (i) installation of or purchases of
23 manufacturing equipment or process productions equipment, (ii)
24 structural repairs, improvements, or renovations of existing
25 buildings to be used for manufacturing and industrial expansion,
26 (iii) construction of or improvements to new or existing water,
27 sewer, gas, or electrical utility distribution lines or equipment for
28 existing industrial buildings to be used for manufacturing and
29 industrial operations, or (iv) in the case of counties designated as
30 severely distressed counties under G.S. 105-130.40(c) or G.S. 105-
31 151.17(c) or units of local government within those counties,
32 construction of or improvement to new or existing water, sewer,
33 gas, or electrical utility distribution lines or equipment to serve new
34 or proposed industrial buildings to be used for manufacturing and
35 industrial operations. To be eligible for funding, the water, sewer,
36 gas, or electrical utility lines or facilities shall be located on the site
37 of the building or, if not located on the site, shall be directly related
38 to the operation of the specific manufacturing activity. However,
39 the Secretary of ~~Economic and Community Development~~ Commerce
40 may use up to one hundred thousand dollars (\$100,000) to provide
41 emergency economic development assistance in any county which
42 is documented to be experiencing a major economic dislocation.
43 (2) The funds shall be used by the city and county governments for
44 projects that will directly result in the creation of new jobs. The

1 funds shall be expended at a rate of one thousand two hundred
2 dollars (\$1,200) per new job created up to a maximum of two
3 hundred fifty thousand dollars (\$250,000) per project.

4 (b) Each year, on or before December 31, the Secretary of ~~Economic and~~
5 ~~Community Development~~ Commerce shall designate the most economically distressed
6 counties in the State; this designation shall remain effective for the following calendar
7 year. The Secretary of ~~Economic and Community Development~~ Commerce shall
8 determine which counties are the most economically distressed counties in the State
9 based on (i) rate of unemployment, (ii) per capita income, and (iii) relative population
10 and work force growth or lack of growth, as determined by the Secretary of ~~Economic~~
11 ~~and Community Development~~ Commerce.

12 (c) The Department of ~~Economic and Community Development~~ Commerce shall
13 report annually to the General Assembly concerning the applications made to the fund
14 and the payments made from the fund and the impact of the payments on job creation in
15 the State. The Department of ~~Economic and Community Development~~ Commerce shall
16 also report quarterly to the Joint Legislative Commission on Governmental Operations
17 and the Fiscal Research Division on the use of the moneys in the fund, including
18 information regarding to whom payments were made, in what amounts, and for what
19 purposes.

20 (d) As used in this section, 'major economic dislocation' means the actual or
21 imminent loss of:

- 22 (1) 500 or more manufacturing jobs in the county; or
- 23 (2) A number of manufacturing jobs which is equal to or more than ten
24 percent (10%) of the existing manufacturing workforce in the
25 county."

26 Sec. 61. G.S. 143B-438.4 reads as rewritten:

27 **"§ 143B-438.4. Coordinating Council.**

28 (a) The State Job Training Coordinating Council is established within the
29 Department of ~~Economic and Community Development~~ Commerce.

30 (b) Operating funds and staff for the Council shall be supported with funds
31 from the Job Training Partnership Act.

32 (c) Adequate office space shall be provided by the Department of ~~Economic~~
33 ~~and Community Development~~ Commerce.

34 (d) The initial staffing level of the Council and the level of funding support
35 required shall be determined by the Secretary of ~~Economic and Community Development~~
36 Commerce. However, the staffing level shall not exceed 10 personnel as may be
37 necessary to carry out its functions under this Part and the Job Training Partnership Act.

38 (e) Duties and responsibilities of the Council include but shall not be limited to the
39 following:

- 40 (1) Overseeing the meeting of the State's goals for employment and
41 training.
- 42 (2) Reviewing the plans and programs of agencies operating
43 federally funded programs related to employment and training
44 and of other agencies providing employment and training-

- 1 related services in the State that may be funded with State
2 funds.
- 3 (3) Conducting studies, preparing reports and analyses, including
4 an annual published report to the Governor and General
5 Assembly, and providing such advisory services as may be
6 authorized or directed by the Governor.
- 7 (4) Recommending the allocation of Job Training Partnership Act
8 funds not subject to the seventy-eight percent (78%) that flows
9 directly to service delivery areas.
- 10 (5) Recommending program goals to insure job training for
11 unskilled youth and adults is a matter of the highest priority and
12 encouraging Service Delivery Areas (SDA's) to reflect these
13 goals in their SDA plans.
- 14 (6) Developing a long term tracking system to measure the
15 effectiveness of the Job Training Partnership Act with respect to
16 permanent job placements.
- 17 (7) Insuring compliance with the provisions of Sections 122(b)(7) A
18 and B and 122(b)(8) of the Job Training Partnership Act no later
19 than May 30 of every year, requiring the following:
- 20 a. The identification of, in coordination with the appropriate State
21 agencies, the employment, training, and vocation education
22 needs throughout the State;
- 23 b. An assessment of the extent to which employment and training,
24 vocation education, rehabilitation services, public assistance,
25 economic development, and other federal, State, and local
26 programs and services represent a consistent, integrated, and
27 coordinated approach to meeting these needs;
- 28 c. Comments on reports required by Sections 105(d)(3) of the
29 Vocational Education Act of 1963 and appropriate
30 recommendations to the Governor and General Assembly.
- 31 (8) Annually measuring, to the extent practicable, the increase in
32 employment and earnings and the reductions in welfare
33 dependency by SDA resulting from participating in the Job
34 Training Partnership Act program and reporting those findings
35 to the Governor and General Assembly.
- 36 (9) Annually reporting to the Governor and General Assembly on
37 funds expended by each SDA for job training services.
- 38 (10) Providing management guidance and review of all State
39 administered employment and training programs and
40 encouraging compliance by the SDA's with the goals and
41 purposes outlined by the General Assembly, the Governor, and
42 the State Council.
- 43 (11) Repealed by Session Laws 1989, c. 532, s. 2.

- 1 (12) Obtaining other information from recipients of Job Training
2 Partnership Act funds, as requested by the Governor and General
3 Assembly.
- 4 (13) Overseeing the responsibilities required in the Economic
5 Dislocation and Worker Adjustment Assistance Act (EDWAAA),
6 including the following:
- 7 a. Advising the Governor on designation of sub-State areas and
8 sub-State grantees and on the procedure for selecting Private
9 Industry Council (PIC) and Local Employment Organizations
10 (LEO) representatives within sub-State areas relative to grantee
11 designation;
- 12 b. Advising the Governor on developing formulas for distributing
13 funds among sub-State areas and formulas for reallocating
14 unexpended funds;
- 15 c. Reviewing and commenting to the Governor on State and sub-
16 State EDWAAA programs;
- 17 d. Reviewing and submitting comments on the State plan prior to
18 submission to the Secretary and on each sub-State plan; and
- 19 e. Advising the Governor on the establishment and application of
20 performance standards.
- 21 (f) The State Job Training Coordinating Council:
- 22 (1) Shall be appointed by the Governor in a manner consistent with
23 Section 122 of Public Law 97-300.
- 24 (2) Shall meet at the call of the chairman. A majority of the
25 Council shall constitute a quorum for the transaction of
26 business. Members shall receive per diem and necessary travel
27 and subsistence expenses in accordance with the provisions of
28 G.S. 138-5, 138-6 or 120-3.1, as the case may be.
- 29 (3) Repealed by Session Laws 1989, c. 532, s. 2.
- 30 (4) May create such committees as may be necessary to the proper
31 conduct of its business. The Governor may establish such
32 additional advisory bodies, in accordance with existing law,
33 related to employment and training as may be necessary and
34 appropriate to the conduct of federally supported employment
35 and training-related programs."

36 Sec. 62. G.S. 143B-438.6 reads as rewritten:

37 **"§ 143B-438.6. Employment and Training Grant Program.**

38 (a) There is established in the Department of ~~Economic and Community~~
39 ~~Development, Commerce,~~ Division of Employment and Training, an Employment and
40 Training Grant Program. The purpose of the program is to make grants available to
41 local agencies operating on behalf of the Private Industry Council serving Job Training
42 Partnership Act service delivery areas. Grant funds shall be allocated for the purpose of
43 enabling recipient agencies to implement local employment and training programs in
44 accordance with existing resources, local needs, local goals, and selected training

1 occupations. The Department shall adopt rules in accordance with Chapter 150B of the
2 General Statutes for administering the Employment and Training Grant Program, which
3 rules shall include procedures for review and approval of grant applications by local
4 agencies and for monitoring use of grant funds by recipient agencies. A State-
5 administered program of performance standards shall be used to measure grant program
6 outcomes.

7 (b) Use of grant funds: Local agencies may use funds received under this section
8 only for the purpose of upgrading the foundation of basic skills of the adult population
9 and the existing work force in North Carolina. Services that may be provided include
10 participant programs currently available under the federal Job Training Partnership Act
11 that are appropriate for adults; on-the-job training; work experience; adult basic
12 education; skills training, upgrading, and retraining; counseling and screening for job
13 placement; service corps; and related support services. Local agencies may use grant
14 funds to provide services only to individuals who are 18 years of age or older and who
15 either (i) meet the current Federal Job Training Partnership Act definition of
16 'economically disadvantaged', or (ii) meet the current definition for eligibility under
17 Title III of the Federal Job Training Partnership Act.

18 (c) Allocation of grants: The Department may reserve and allocate up to five
19 percent (5%) of funds available to the Employment and Training Grant Program for
20 State and local administrative costs to implement the program. The Division of
21 Employment and Training shall allocate employment and training grants to local
22 agencies operating on behalf of the Private Industry Council serving Job Training
23 Partnership Act service delivery areas based on the following formula:

- 24 (1) One half of the funds shall be allocated on the basis of the relative
25 excess number of unemployed individuals residing in each county
26 as compared to the total excess number of unemployed individuals
27 in all counties in the State.

28 'Excess number of unemployed' is defined as the number of
29 unemployed individuals in excess of four and one-half percent (4.5%)
30 of the civilian labor force in each county or the number of unemployed
31 individuals in excess of four and one-half percent (4.5%) of the
32 civilian labor force in each census tract within the county. The
33 following methodology is used to determine the excess number of
34 unemployed:

- 35 a. For counties classified as having excess unemployment, the
36 excess number of unemployed is determined by subtracting four
37 and one-half percent (4.5%) of the civilian labor force from the
38 number of unemployed individuals within the county. The
39 difference equals the number of excess unemployed.
- 40 b. In situations where the entire county is not classified as having
41 excess unemployment, the excess number of unemployed is
42 determined by census tract unemployment within the county.
43 Census tract data is used to determine which subcounty areas
44 qualify as areas of excess unemployment. In those subcounty

1 areas classified as having excess unemployment (census tracts
2 with four and one-half percent (4.5%) or higher unemployment
3 rates), four and one-half percent (4.5%) of the census tract labor
4 force is subtracted from the number of unemployed individuals
5 within the area of excess unemployment. The subcounty
6 figures of excess number of unemployed within the county are
7 then added together to determine the total excess number of
8 unemployed within the county.

9 (2) One half of the funds shall be allocated on the basis of the relative
10 number of economically disadvantaged individuals within each
11 county compared to the total number of economically
12 disadvantaged individuals in the State. To determine the number of
13 economically disadvantaged individuals within each county, data
14 from the State Data Center in the Office of State Budget and
15 Management, or from the federal decennial census, whichever is
16 most recent, shall be used.

17 (d) Reports, Coordination: The Department of ~~Economic and Community~~
18 ~~Development-Commerce~~ shall report quarterly to the Governor and to the Speaker of the
19 House of Representatives and the President Pro Tempore of the Senate on the North
20 Carolina Employment and Training Grant Program. The Department shall also provide
21 a copy of these quarterly reports to the State Job Training Coordinating Council. The
22 Council shall advise the Department on the merger of the funds provided to implement
23 this section with other employment and training funds to develop comprehensive work-
24 force preparedness initiatives for the State.

25 (e) Funds appropriated to the Department of ~~Economic and Community~~
26 ~~Development-Commerce~~ for the Employment and Training Grant Program that are not
27 expended at the end of the fiscal year shall not revert but shall remain available to the
28 Department for the purposes established in this section."

29 Sec. 63. G.S. 143B-439 reads as rewritten:

30 "**§ 143B-439. Credit Union Commission.**

31 (a) There shall be created in the Department of ~~Economic and Community~~
32 ~~Development-Commerce~~ a Credit Union Commission which shall consist of seven
33 members. The members of the Credit Union Commission shall elect one of its members
34 to serve as chairman of the Commission to serve for a term to be specified by the
35 Commission. On the initial Commission three members shall be appointed by the
36 Governor for terms of two years and three members shall be appointed by the Governor
37 for terms of four years. Thereafter all members of the Commission shall be appointed
38 by the Governor for terms of four years. The Governor shall appoint the seventh
39 member for the same term and in the same manner as the other six members are
40 appointed. In the event of a vacancy on the Commission the Governor shall appoint a
41 successor to serve for the remainder of the term. Three members of the Commission
42 shall be persons who have had three years' or more experience as a credit union director
43 or in management of state-chartered credit unions. At least four members shall be
44 appointed as representatives of the borrowing public and may be members of a credit

1 union but shall not be employees of, or directors of any financial institution or have any
2 interest in any financial institution other than as a result of being a depositor or
3 borrower. No two persons on the Commission shall be residents of the same senatorial
4 district. No person on the Commission shall be on a board of directors or employed by
5 another type of financial institution. The Commission shall meet at least every six
6 months, or more often upon the call of the chairman of the Credit Union Commission or
7 any three members of the Commission. A majority of the members of the Commission
8 shall constitute a quorum. The members of the Commission shall be reimbursed for
9 expenses incurred in the performance of their duties under this Chapter as prescribed in
10 G.S. 138-5. In the event that the composition of the Commission on April 30, 1979,
11 does not conform to that prescribed in the preceding sentences, such composition shall
12 be corrected thereafter by appropriate appointments as terms expire and as vacancies
13 occur in the Commission; provided that no person shall serve on the Commission for
14 more than two complete consecutive terms.

15 (b) The relationship between the Secretary of ~~Economic and Community~~
16 ~~Development-Commerce~~ and the Credit Union Commission shall be as defined for a
17 Type II transfer under this Chapter.

18 (c) The Credit Union Commission is hereby vested with full power and authority
19 to review, approve, or modify any action taken by the Administrator of Credit Unions in
20 the exercise of all powers, duties, and functions vested by law in or exercised by the
21 Administrator of Credit Unions under the credit union laws of this State.

22 An appeal may be taken to the Commission from any finding, ruling, order, decision
23 or the final action of the Administrator by any credit union which feels aggrieved
24 thereby. Notice of such appeal shall be filed with the chairman of the Commission
25 within 30 days after such finding, ruling, order, decision or other action, and a copy
26 served upon the Administrator. Such notice shall contain a brief statement of the
27 pertinent facts upon which such appeal is grounded. The Commission shall fix a date,
28 time and place for hearing said appeal, and shall notify the credit union or its attorney of
29 record thereof at least 30 days prior to the date of said hearing."

30 Sec. 64. G.S. 143B-443 reads as rewritten:

31 "**§ 143B-443. Administration by Department of ~~Economic and Community~~**
32 **Development-Commerce.**

33 The activities of the North Carolina Science and Technology Research Center will
34 be administered by the Department of ~~Economic and Community Development-~~
35 Commerce."

36 Sec. 65. G.S. 143B-448 reads as rewritten:

37 "**§ 143B-448. Energy Division.**

38 There is hereby created in the Department of ~~Economic and Community Development~~
39 Commerce a division to be known as the Energy Division."

40 Sec. 66. G.S. 143B-449 reads as rewritten:

41 "**§ 143B-449. Organization.**

42 The Division shall be organized and shall have such powers, duties and functions as
43 prescribed by the Secretary of ~~Economic and Community Development-Commerce.~~
44 Commerce."

44 Sec. 67. G.S. 143B-450 reads as rewritten:

1 **"§ 143B-450. Reporting of stocks of coal and petroleum fuels.**

2 The Energy Division of the Department of ~~Economic and Community Development~~
3 Commerce may, with the prior express approval of the Energy Policy Council and the
4 Governor, require that all coal and petroleum suppliers in North Carolina supplying
5 coal, motor gasoline, middle distillates, residual oils and propane for resale within the
6 State file with the Energy Division, on forms prepared by the Energy Division, accurate
7 reports as to the stocks of coal and petroleum products and storage capacities
8 maintained by said supplier, including said supplier's current inventory and stock of said
9 coal, motor gasoline, middle distillates, residual oils and propane, the expected time
10 such supplies will last under ordinary distribution demand and the schedule for
11 receiving additional or replacement stocks. Such reports and the information contained
12 therein shall be proprietary information available only to regular employees of the
13 Energy Division, except that aggregate tables or schedules consolidating information
14 from said reports may be released if they do not reveal individual report data for any
15 named supplier. It is further the intent of this section that no information shall be
16 required from coal and petroleum suppliers, that is, at the time such reports are
17 requested, already on file with any agency, commission, or department of State
18 government.

19 It is the intent of this section that such reports be filed only at such times as the
20 Energy Policy Council and the Governor determine that an energy crisis as defined in
21 G.S. 113B-20 exists or may be imminent.

22 If any petroleum or coal supplier fails to file the accurate reports as may be required
23 by this section for more than 10 days after the date on which any such report is due, the
24 Secretary of ~~Economic and Community Development~~ Commerce is authorized and
25 empowered to petition the district court, Division of the General Court of Justice in the
26 county in which the principal office or place of business of said supplier is located for a
27 mandatory injunction compelling said supplier to file said report."

28 Sec. 68. G.S. 143B-450.1(c) reads as rewritten:

29 "(c) The Energy Division shall adopt rules and regulations for the administration
30 of this data collection program and the Attorney General and the law enforcement
31 authorities of the State and its political subdivisions shall enforce the provisions of this
32 section and all orders, rules and regulations promulgated thereunder. Any such
33 enforcement action may be brought upon the relation of the Energy Division,
34 Department of ~~Economic and Community Development~~, Commerce, or in his discretion,
35 upon the direction of the Attorney General."

36 Sec. 69. G.S. 143B-451 reads as rewritten:

37 **"§ 143B-451. Navigation and pilotage commissions.**

38 The Board of Commissioners of Navigation and Pilotage for the Cape Fear River as
39 provided for by G.S. 76-1, and the Board of Commissioners of Navigation and Pilotage
40 for Old Topsail Inlet and Beaufort Bar as provided for by G.S. 76-59 are hereby
41 transferred to the Department of ~~Economic and Community Development~~ Commerce. All
42 powers, duties and authority of the Board of Commissioners of Navigation and Pilotage
43 for the Cape Fear River and Bar and the Board of Commissioners of Navigation and
44 Pilotage for Old Topsail Inlet and Beaufort Bar, as provided for in Chapter 76 of the

1 General Statutes, shall continue to vest in the boards, as now provided by statute,
2 independently of the direction, supervision, and control of the Secretary of ~~Economic and~~
3 ~~Community Development-Commerce~~. The commissions shall report their activity to the
4 Governor through the Secretary of ~~Economic and Community Development-Commerce~~.
5 The appointment to the boards shall continue to be made in the manner as provided by
6 Chapter 76 of the General Statutes."

7 Sec. 70. G.S. 143B-452 reads as rewritten:

8 **"§ 143B-452. Creation of Authority – membership; appointment, terms and**
9 **vacancies; officers; meetings and quorum; compensation.**

10 The North Carolina State Ports Authority is hereby created. It shall be governed by
11 a board composed of nine members and hereby designated as the Authority. Effective
12 July 1, 1983, it shall be governed by a board composed of 11 members and hereby
13 designated as the Authority. The General Assembly suggests and recommends that no
14 person be appointed to the Authority who is domiciled in the district of the North
15 Carolina House of Representatives or the North Carolina Senate in which a State port is
16 located. The Governor shall appoint seven members to the Authority, and the General
17 Assembly shall appoint two members of the Authority. Effective July 1, 1983, the
18 Authority shall consist of seven persons appointed by the Governor, and four persons
19 appointed by the General Assembly. Effective July 1, 1989, the Governor shall appoint
20 six members to the Authority, in addition to the Secretary of ~~Economic and Community~~
21 ~~Development-Commerce~~, who shall serve as a voting member of the Authority by virtue
22 of his office. The Secretary of ~~Economic and Community Development-Commerce~~ shall
23 fill the first vacancy occurring after July 1, 1989, in a position on the Authority over
24 which the Governor has appointive power.

25 The initial appointments by the Governor shall be made on or after March 8, 1977,
26 two terms to expire July 1, 1979; two terms to expire July 1, 1981; and three terms to
27 expire July 1, 1983. Thereafter, at the expiration of each stipulated term of office all
28 appointments made by the Governor shall be for a term of six years.

29 To stagger further the terms of members:

- 30 (1) Of the members appointed by the Governor to replace the members
31 whose terms expire on July 1, 1991, one member shall be
32 appointed to a term of five years, to expire on June 30, 1996; the
33 other member shall be appointed for a term of six years, to expire
34 on June 30, 1997;
- 35 (2) Of the members appointed by the Governor to replace the members
36 whose terms expire on July 1, 1993, one member shall be
37 appointed to a term of five years, to expire on June 30, 1998; the
38 other member shall be appointed to a term of six years, to expire on
39 June 30, 1999;
- 40 (3) Of those members appointed by the Governor to replace the
41 members whose terms expire on July 1, 1995, one member shall be
42 appointed to a term of five years, to expire on June 30, 2000; the
43 other member shall be appointed to a term of six years, to expire on
44 June 30, 2001.

1 Thereafter, at the expiration of each stipulated term of office all appointments made by
2 the governor shall be for a term of six years.

3 The members of the Authority appointed by the Governor shall be selected from the
4 State-at-large and insofar as practicable shall represent each section of the State in all of
5 the business, agriculture, and industrial interests of the State. Any vacancy occurring in
6 the membership of the Authority appointed by the Governor shall be filled by the
7 Governor for the unexpired term. The Governor may remove a member appointed by
8 the Governor only for reasons provided by G.S. 143B-13.

9 The General Assembly shall appoint two persons to serve terms expiring June 30,
10 1983. The General Assembly shall appoint four persons to serve terms beginning July
11 1, 1983, to serve until June 30, 1985, and successors shall serve for two-year terms. Of
12 the two appointments to be made in 1982, one shall be made upon the recommendation
13 of the Speaker, and one shall be made upon the recommendation of the President of the
14 Senate. Of the four appointments made in 1983 and biennially thereafter, two shall be
15 made upon the recommendation of the President of the Senate, and two shall be made
16 upon the recommendation of the Speaker. To stagger further the terms of members:

17 (1) Of the members appointed upon the recommendation of the
18 Speaker to replace the members whose terms expire on June 30,
19 1991, one member shall be appointed to a term of one year, to
20 expire on June 30, 1992; the other member shall be appointed to a
21 term of two years, to expire on June 30, 1993;

22 (2) Of the members appointed upon the recommendation of the
23 President of the Senate to replace the members whose terms expire
24 on June 30, 1991, one member shall be appointed to a term of one
25 year, to expire on June 30, 1992; the other member shall be
26 appointed to a term of two years, to expire on June 30, 1993.

27 Thereafter, at the expiration of each stipulated term of office all appointments made by
28 the General Assembly shall be for terms of two years.

29 Appointments by the General Assembly shall be made in accordance with G.S. 120-
30 121, and vacancies in those appointments shall be filled in accordance with G.S. 120-
31 122. Members appointed by the General Assembly may be removed only for reasons
32 provided by G. S. 143B-13.

33 The Governor shall appoint from the members of the Authority the chairman and
34 vice-chairman of the Authority. The members of the Authority shall appoint a treasurer
35 and secretary of the Authority.

36 The Authority shall meet once in each 60 days at such regular meeting time as the
37 Authority by rule may provide and at any place within the State as the Authority may
38 provide, and shall also meet upon the call of its chairman or a majority of its members.
39 A majority of its members shall constitute a quorum for the transaction of business. The
40 members of the Authority shall not be entitled to compensation for their services, but
41 they shall receive per diem and necessary travel and subsistence expense in accordance
42 with G.S. 138-5."

43 Sec. 71. G.S. 143B-472.32(a) reads as rewritten:

1 "(a) For the purposes of this Part, the Department of ~~Economic and Community~~
2 ~~Development, Commerce, Energy~~ Division, is designated as the lead State agency in
3 matters pertaining to industrial and commercial energy conservation."

4 Sec. 72. G.S. 143B-472.35 reads as rewritten:

5 "**§ 143B-472.35. Establishment of fund; use of moneys; application for grants and**
6 **loans; disbursal; repayment; inspections; rules; reports.**

7 (a) A revolving fund to be known as the Main Street Financial Incentive Fund is
8 established in the Department of ~~Economic and Community Development, Commerce.~~
9 This Fund shall be administered by the Department of ~~Economic and Community~~
10 ~~Development, Commerce.~~ The Department of ~~Economic and Community Development~~
11 Commerce shall be responsible for receipt and disbursement of all moneys as provided
12 in this section. Interest earnings shall be credited to the Main Street Financial Incentive
13 Fund.

14 (b) Moneys in the Main Street Financial Incentive Fund shall be available to the
15 North Carolina cities affiliated with the North Carolina Main Street Center Program.
16 Moneys in the Main Street Financial Incentive Fund shall be used for the following
17 eligible activities:

- 18 (1) The acquisition or rehabilitation of properties in connection with
19 private investment in a designated downtown area;
- 20 (2) The establishment of revolving loan programs for private
21 investment in a designated downtown area;
- 22 (3) The subsidization of interest rates for these revolving loan
23 programs;
- 24 (4) The establishment of facade incentive grants in connection with
25 private investment in a designated downtown area;
- 26 (5) Market studies, design studies, design assistance, or strategic
27 planning efforts, provided the activity can be shown to lead directly
28 to private investment in a designated downtown area;
- 29 (6) Any approved project that provides construction or rehabilitation in
30 a designated downtown area and can be shown to lead directly to
31 private investment in the designated downtown area; and
- 32 (7) Public improvements and public infrastructure within a designated
33 downtown area, provided these improvements are necessary to
34 create or stimulate private investment in the designated downtown
35 area.

36 (c) Any North Carolina city affiliated with the North Carolina Main Street Center
37 Program may apply for moneys from the Main Street Financial Incentive Fund by
38 submitting an application to the Main Street Center in the Division of Community
39 Assistance, Department of ~~Economic and Community Development, Commerce.~~ Any city
40 affiliated with the North Carolina Main Street Center Program may apply for a grant
41 equal to ten percent (10%) of the projected cost of the proposed project. A city may
42 apply for additional moneys as one or more loans from the Fund. Specifically, a city
43 may apply for a loan for:

- 1 (1) Up to fifteen percent (15%) of the projected cost of the proposed
2 project in excess of the amount to be received as a grant, subject to
3 repayment within fifteen years at five percent (5%) interest;
- 4 (2) Up to twenty percent (20%) of the projected cost of the proposed
5 project in excess of the amount to be received as a grant, subject to
6 repayment within ten years at eight percent (8%) interest; and
- 7 (3) Up to thirty-five percent (35%) of the projected cost of the
8 proposed project in excess of the amount to be received as a grant,
9 subject to repayment within seven years at ten percent (10%)
10 interest.

11 The application shall list:

- 12 (1) The proposed activities for which the moneys are to be used and
13 the projected cost of the project;
- 14 (2) The amount of grant moneys and any loans requested for these
15 activities;
- 16 (3) Projections of the dollar amount of private investment that is
17 expected to occur in the designated downtown area as a direct
18 result of the city's proposed activities;
- 19 (4) Whether local public dollars are required to match any grant plus
20 any loan moneys according to the provisions of subdivision (g)(2)
21 of this section, and if so, the amount of local public dollars
22 required;
- 23 (5) An explanation of the nature of the private investment in the
24 designated downtown area that will result from the city's proposed
25 activities;
- 26 (6) Projections of the time needed to complete the city's proposed
27 activities;
- 28 (7) Projections of the time needed to realize the private investment that
29 is expected to result from the city's proposed activities; and
- 30 (8) Identification of the proposed source of funds to be used for
31 repayment of any loan obligations.

32 The applicant shall furnish additional or supplemental information upon written request.

33 (d) A committee, comprised of representatives of: the Division of Community
34 Assistance of the Department of ~~Economic and Community Development, Commerce, the~~
35 North Carolina Main Street Program, the Local Government Commission, and the
36 League of Municipalities shall:

- 37 (1) Review a city's application,
- 38 (2) Determine whether the activities listed in the application are
39 activities that are eligible for a loan, and
- 40 (3) Determine which applicants are selected to receive moneys from
41 the Main Street Financial Incentive Fund.

42 A city whose application is denied may file a new or amended application.

1 (e) A Main Street City that is selected may not receive a grant plus any loans
2 pursuant to this section totaling less than twenty thousand dollars (\$20,000) or more
3 than three hundred thousand dollars (\$300,000).

4 (f) The Department of ~~Economic and Community Development~~ Commerce may not
5 disburse moneys for any loans until the city has confirmed a method of repayment of
6 the loan. The terms for repayment established for a given loan shall apply throughout
7 the period of that loan.

8 The Department of ~~Economic and Community Development~~ Commerce shall establish
9 an account in the amount of the grant plus any loans for each city that is selected. These
10 moneys shall be disbursed as expended through warrants drawn on the Department of
11 ~~Economic and Community Development~~ Commerce.

12 (g) (1) A city that has been selected to receive a grant plus any
13 loans shall use the full amount of the grant plus any loans for the
14 activities that were approved pursuant to subsection (d) of this
15 section. Moneys are deemed used if the city is legally committed
16 to spend the moneys on the approved activities.

17 (2) If a city has received approval to use the grant plus any loans for
18 public improvements or public infrastructure, that city shall be
19 required to raise, before moneys for these public improvements
20 may be drawn from the city's account, local public funds to match
21 the amount of the grant plus any loans from the Main Street
22 Financial Incentive Fund on the basis of at least one local public
23 dollar (\$1.00) for every one dollar (\$1.00) from the Main Street
24 Financial Incentive Fund. This match requirement applies only to
25 those moneys received for public improvements or public
26 infrastructure and is in addition to the requirement set forth in
27 subdivision (1) of this subsection.

28 (3) A city that fails to satisfy the condition set forth in subdivision (1)
29 of this subsection shall lose any moneys that have not been used
30 within three years of being selected. These unused moneys shall be
31 credited to the Main Street Financial Incentive Fund. A city that
32 fails to satisfy the conditions set forth in subdivisions (1) and (2) of
33 this subsection may file a new application.

34 (4) Any moneys repaid or credited to the Main Street Financial
35 Incentive Fund pursuant to subdivision (3) of this subsection shall
36 be available to other applicants as long as the Main Street Financial
37 Incentive Fund is in effect.

38 (h) Each city is authorized to agree to apply any available revenues of that city to
39 the repayment of a loan obligation to the extent the generation of these revenues is
40 within the power of that city to enter into covenants to take action in order to generate
41 these revenues; provided:

42 (1) The agreement to use this source of funds to make repayment or
43 the covenant to generate these revenues does not constitute a
44 pledge of the city's taxing power; and

1 (2) The repayment agreement specifically identifies the source of
2 funds to be pledged.

3 (i) After a project financed in whole or in part pursuant to this section has been
4 completed, the city shall report the actual cost of the project to the Department of
5 ~~Economic and Community Development~~ Commerce. If the actual cost of the project
6 exceeds the projected cost upon which the grant plus any loans were based, the city may
7 submit an application to the Department of ~~Economic and Community Development~~
8 Commerce for a grant or loans for the difference. If the actual cost of the project is less
9 than the projected cost, the city shall arrange to pay the difference to the Main Street
10 Financial Incentive Fund according to terms set by the Department.

11 (j) Inspection of a project for which a grant plus any loans have been awarded may
12 be performed by personnel of the Department of ~~Economic and Community Development~~
13 Commerce. No person may be approved to perform inspections who is an officer or
14 employee of the unit of local government to which the grant plus any loans were made
15 or who is an owner, officer, employee, or agent of a contractor or subcontractor engaged
16 in the construction of any project for which the grant plus any loans were made.

17 (k) The Department of ~~Economic and Community Development~~ Commerce may
18 adopt, modify, and repeal rules establishing the procedures to be followed in the
19 administration of this section and regulations interpreting and applying the provisions of
20 this section, as provided in the Administrative Procedure Act.

21 (l) The Department of ~~Economic and Community Development~~ Commerce and
22 cities that have been selected to receive a grant plus any loans from the Main Street
23 Financial Incentive Fund shall prepare and file on or before July 31 of each year with
24 the Joint Legislative Commission on Governmental Operations a consolidated report for
25 the preceding fiscal year concerning the allocation of grants plus any loans authorized
26 by this section.

27 The portion of the annual report prepared by the Department of ~~Economic and~~
28 ~~Community Development~~ Commerce shall set forth for the preceding fiscal year itemized
29 and total allocations from the Main Street Financial Incentive Fund for grants and loans.
30 The Department of ~~Economic and Community Development~~ Commerce shall also prepare
31 a summary report of all allocations made from the fund for each fiscal year; the total
32 funds received and allocations made; the total amount of loan moneys repaid to the
33 Fund, and the total unallocated funds in the Fund.

34 The portion of the report prepared by the city shall include:

- 35 (1) The total amount of private funds that were committed and the
36 amount that were invested in the designated downtown area during
37 the preceding fiscal year;
- 38 (2) The total amount of local public matching funds that were raised, if
39 required by subdivision (g)(2) of this section;
- 40 (3) The total amount of grant plus any loans received from the Main
41 Street Financial Incentive Fund during the preceding fiscal year;
- 42 (4) The total amount of loan moneys repaid to the Main Street
43 Financial Incentive Fund during the preceding fiscal year;

- 1 (5) A description of how the grant and loan moneys and funds from
 2 private investors were used during the preceding fiscal year;
 3 (6) Details regarding the types of private investment created or
 4 stimulated, the dates of this activity, the amount of public
 5 money involved, and any other pertinent information, including
 6 any jobs created, businesses started, and number of jobs
 7 retained due to the approved activities."

8 Sec. 73. G.S. 143B-475(a) reads as rewritten:

9 "(a) All functions, powers, duties and obligations heretofore vested in the
 10 following subunits of the following departments are hereby transferred to and vested in
 11 the Department of Crime Control and Public Safety:

- 12 (1) The National Guard, Department of Military and Veterans Affairs;
 13 (2) Civil Preparedness, Department of Military and Veterans Affairs;
 14 (3) State Civil Air Patrol, Department of Military and Veterans
 15 Affairs;
 16 (4) State Highway Patrol, Department of Transportation;
 17 (5) State Board of Alcoholic Control Enforcement Division,
 18 Department of ~~Economic and Community Development~~; Commerce;
 19 (6) Governor's Crime Commission, Department of Natural and
 20 Economic Resources;
 21 (7) Crime Control Division, Department of Natural and Economic
 22 Resources;
 23 (8) Criminal Justice Information System Board, Department of Natural
 24 and Economic Resources; and
 25 (9) Criminal Justice Information System Security and Privacy Board,
 26 Department of Natural and Economic Resources."

27 Sec. 74. G.S. 147-45 reads as rewritten:

28 "**§ 147-45. Distribution of copies of State publications.**

29 The Secretary of State shall, at the State's expense, as soon as possible after
 30 publication, provide such number of copies of the Session Laws and Senate and House
 31 Journals to federal, State, and local governmental officials, departments and agencies,
 32 and to educational institutions of instruction and exchange use, as is set out in the table
 33 below:

34		Session	Assembly
35	Agency or Institution	Laws Journals	
36	Governor, Office of the	3	2
37	Lieutenant Governor, Office of the	1	1
38	Secretary of State, Department of the	3	3
39	Auditor, Department of the State	3	1
40	Treasurer, Department of the State	3	1
41	Local Government Commission	2	0
42	Public Education, Department of	1	0
43	Superintendent of Public Instruction	3	1
44	Controller	1	0

1	Division of Community Colleges	3	1
2	Regional Service Centers	1 ea.	0
3	Justice, Department of		
4	Office of the Attorney General	25	3
5	Budget Bureau (Administration)	1	0
6	Property Control (Administration)	1	1
7	State Bureau of Investigation	1	0
8	Agriculture, Department of	3	1
9	Labor, Department of	5	1
10	Insurance, Department of	5	1
11	Administration, Department of	1	1
12	Budget Bureau	2	1
13	Controller	1	0
14	Property Control	1	0
15	Purchase and Contract	2	0
16	Policy and Development	1	0
17	Veterans Affairs Commission	1	0
18	Environment, Health, and Natural		
19	Resources, Department of	1	0
20	Division of Environmental Management	2	0
21	Board of Environment, Health, and		
22	Natural Resources	1	0
23	Soil and Water Conservation Commission	1	0
24	Wildlife Resources Commission	2	0
25	Revenue, Department of	5	1
26	Human Resources, Department of	3	0
27	Board of Human Resources	1	0
28	Health Services, Division of	3	0
29	Mental Health, Mental Retardation		
30	—[Developmental Disabilities],		
31	<u>Developmental Disabilities, and</u>		
32	Substance Abuse Services,		
33	Division of	1	0
34	Social Services, Division of	3	0
35	Facilities Services, Division of	1	0
36	Youth Services, Division of	1	0
37	Hospitals and Institutions	1 ea.	0
38	Transportation, Department of	1	0
39	Board of Transportation	3	0
40	Motor Vehicles, Division of	1	0
41	Economic and Community Development, Commerce, Department of 1 0		
42	Economic Development, Division of	2	0
43	State Ports Authority	1	0
44	Alcoholic Beverage Control Commission, North Carolina 2	0	

1	Banking Commission	2	0
2	Utilities Commission	8	1
3	Industrial Commission	7	0
4	Labor Force Development Council	1	0
5	Milk Commission	5	0
6	Employment Security Commission	1	1
7	Correction, Department of	1	0
8	Department of Correction	2	0
9	Parole Commission	2	0
10	State Prison	1	0
11	Correctional Institutions	1 ea.	0
12	Cultural Resources, Department of	1	0
13	Archives and History, Division of	5	1
14	State Library	5	5
15	Publications Division	1	1
16	Crime Control and Public Safety, Department of	2	1
17	North Carolina Crime Commission	1	0
18	Adjutant General	2	0
19	Elections, State Board of	2	0
20	Office of Administrative Hearings	2	0
21	Legislative Branch		
22	State Senators	1 ea.	1 ea.
23	State Representatives	1 ea.	1 ea.
24	Principal Clerk – Senate	1	1
25	Principal Clerk – House	1	1
26	Reading Clerk – Senate	1	1
27	Reading Clerk – House	1	1
28	Sergeant at Arms – House	1	1
29	Sergeant at Arms – Senate	1	1
30	Enrolling Clerk	1	0
31	Engrossing Clerk	1	0
32	Indexer of the Laws	1	0
33	Legislative Building Library	35	15
34	Judicial System		
35	Justices of the Supreme Court	1 ea.	1 ea.
36	Judges of the Court of Appeals	1 ea.	1 ea.
37	Judges of the Superior Court	1 ea.	0
38	Emergency and Special Judges of the Superior Court	1 ea.	0
39	District Court Judges	1 ea.	0
40	District Attorneys	1 ea.	0
41	Clerk of the Supreme Court	1	1
42	Clerk of the Court of Appeals	1	1
43	Administrative Office of the Courts	4	1
44	Supreme Court Library		

AS MANY AS REQUESTED

1	Colleges and Universities				
2	The University North Carolina System				
3	Administrative Offices	3	0		
4	University of North Carolina, Chapel Hill		65	25	
5	University of North Carolina, Charlotte		3	1	
6	University of North Carolina, Greensboro		3	1	
7	University of North Carolina, Asheville		2	1	
8	University of North Carolina, Wilmington		2	1	
9	North Carolina State University, Raleigh		5	3	
10	Appalachian State University	2	1		
11	East Carolina University	3	2		
12	Elizabeth City State University		2	1	
13	Fayetteville State University	2	1		
14	North Carolina Agricultural and				
15	Technical University			2	1
16	North Carolina Central University	5	5		
17	Western Carolina University	2	1		
18	Pembroke State University	2	1		
19	Winston-Salem State University		2	1	
20	North Carolina School of the Arts		1	1	
21	Private Institutions				
22	Duke University	6	6		
23	Davidson College	3	2		
24	Wake Forest University	5	5		
25	Lenoir Rhyne College	1	1		
26	Elon College	1	1		
27	Guilford College	1	1		
28	Campbell College	5	5		
29	Wingate College	1	1		
30	Pfeiffer College	1	1		
31	Barber Scotia College	1	1		
32	Atlantic Christian College	1	1		
33	Shaw University	1	1		
34	St. Augustine's College	1	1		
35	J.C. Smith University	1	1		
36	Belmont Abbey College	1	1		
37	Bennett College	1	1		
38	Catawba College	1	1		
39	Gardner-Webb College	1	1		
40	Greensboro College	1	1		
41	High Point College	1	1		
42	Livingstone College	1	1		
43	Mars Hill College	1	1		
44	Meredith College	1	1		

1	Methodist College	1	1	
2	North Carolina Wesleyan College	1	1	
3	Queens College	1	1	
4	Sacred Heart College	1	1	
5	St. Andrews Presbyterian College	1	1	
6	Salem College	1	1	
7	Warren Wilson College	1	1	
8	County and Local Officials			
9	Clerks of the Superior Court		1 ea.	1 ea.
10	Register of Deeds		1 ea.	1 ea.
11	Federal, Out-of-State and Foreign			
12	Secretary to the President		1	0
13	Secretary of State		1	1
14	Secretary of Defense		1	0
15	Secretary of Agriculture		1	0
16	Secretary of the Interior		1	0
17	Secretary of Labor		1	1
18	Secretary of Commerce		1	1
19	Secretary of the Treasury		1	0
20	Secretary of Health, Education and Welfare		1	0
21	Secretary of Housing and Urban Development		1	0
22	Secretary of Transportation		1	0
23	Attorney General		1	0
24	Postmaster General		1	0
25	Bureau of Census		1	0
26	Bureau of Public Roads		1	0
27	Department of Justice		1	0
28	Department of Internal Revenue		1	0
29	Veterans' Administration		1	0
30	Farm Credit Administration		1	0
31	Securities and Exchange Commission		1	0
32	Social Security Board		1	0
33	Environmental Protection Agency		1	0
34	Library of Congress		8	2
35	Federal Judges resident in North Carolina		1 ea.	0
36	Federal District Attorneys resident in			
37	North Carolina		1 ea.	0
38	Marshal of the United States Supreme Court		1	0
39	Federal Clerks of Court resident in North Carolina	1 ea.	0	
40	Supreme Court Library exchange list		1 ea.	0
41	One copy of the Session Laws shall be furnished the head of any department of State			
42	government created in the future.			
43	State agencies, institutions, etc., not found in or covered by this list may, upon			
44	written request from their respective department head to the Secretary of State, and			

1 upon the discretion of the Secretary of State as to need, be issued copies of the Session
2 Laws on a permanent loan basis with the understanding that should said copies be
3 needed they will be recalled."

4 Sec. 75. G.S. 147-69.1(c) reads as rewritten:

5 "(c) It shall be the duty of the State Treasurer to invest the cash of the funds
6 enumerated in subsection (b) of this section in excess of the amount required to meet the
7 current needs and demands on such funds, selecting from among the following:

- 8 (1) Obligations of the United States or obligations fully guaranteed both as
9 to principal and interest by the United States;
- 10 (2) Obligations of the Federal Financing Bank, the Federal Farm Credit
11 Bank, the Bank for Cooperatives, the Federal Intermediate Credit
12 Bank, the Federal Land Banks, the Federal Home Loan Banks, the
13 Federal Home Loan Mortgage Corporation, the Federal National
14 Mortgage Association, the Government National Mortgage
15 Association, the Federal Housing Administration, the Farmers Home
16 Administration, the United States Postal Service, the Export-Import
17 Bank, the International Bank for Reconstruction and Development, the
18 Inter-American Development Bank, the Asian Development Bank, the
19 African Development Bank, and the Student Loan Marketing
20 Association.
- 21 (3) Repurchase Agreements with respect to securities issued or guaranteed
22 by the United States government or its agencies or other securities
23 eligible for investment by this section executed by a bank or trust
24 company or by primary or other reporting dealers to the Federal
25 Reserve Bank of New York.
- 26 (4) Obligations of the State of North Carolina;
- 27 (5) a. Savings certificates issued by any savings and loan association
28 organized under the laws of the State of North Carolina or by any
29 federal savings and loan association having its principal office in
30 North Carolina; provided that any principal amount of such certificate
31 in excess of the amount insured by the federal government or any
32 agency thereof, or by a mutual deposit guaranty association authorized
33 by the Administrator of the Savings Institutions Division of the
34 Department of ~~Economic and Community Development~~ Commerce of the
35 State of North Carolina, be fully collateralized;
- 36 b. Certificates of deposit issued by banks organized under the laws
37 of the State of North Carolina, or by any national bank having
38 its principal office in North Carolina; provided that any
39 principal amount of such certificate in excess of the amount
40 insured by the federal government or any agency thereof, be
41 fully collateralized;
- 42 c. With respect to savings certificates and certificates of deposit,
43 the rate of return or investment yield may not be less than that

- 1 available in the market on United States government or agency
 2 obligations of comparable maturity;
- 3 d. Shares of or deposits in any savings and loan association
 4 organized under the laws of the State of North Carolina, or any
 5 federal savings and loan association having its principal office
 6 in North Carolina; provided that any moneys invested in such
 7 shares or deposits in excess of the amount insured by the federal
 8 government or any agency thereof, or by a mutual deposit
 9 guaranty association authorized by the Administrator of the
 10 Savings Institutions Division of the Department of ~~Economic~~
 11 ~~and Community Development~~ Commerce of the State of North
 12 Carolina, be fully secured by surety bonds, or be fully
 13 collateralized.
- 14 e. Prime quality commercial paper bearing the highest rating of at
 15 least one nationally recognized rating service and not bearing a
 16 rating below the highest by any nationally recognized rating
 17 service which rates the particular obligation.
- 18 f. Bills of exchange or time drafts drawn on and accepted by a
 19 commercial bank and eligible for use as collateral by member
 20 banks in borrowing from a federal reserve bank, provided that
 21 the accepting bank or its holding company is either (i)
 22 incorporated in the State of North Carolina or (ii) has
 23 outstanding publicly held obligations bearing the highest rating
 24 of at least one nationally recognized rating service and not
 25 bearing a rating below the highest by any nationally recognized
 26 rating service which rates the particular obligations.
- 27 g. Asset-backed securities (whether considered debt or equity)
 28 provided they bear the highest rating of at least one nationally
 29 recognized rating service and do not bear a rating below the
 30 highest rating by any nationally recognized rating service which
 31 rates the particular securities.
- 32 h. Corporate bonds and notes provided they bear the highest rating
 33 of at least one nationally recognized rating service and do not
 34 bear a rating below the highest by any nationally recognized
 35 rating service which rates the particular obligation.
- 36 (6) Repealed by Session Laws 1989 (Regular Session, 1990), c. 813, s.
 37 10."
- 38 Sec. 76. G.S. 150B-38(a) reads as rewritten:
- 39 "(a) The provisions of this Article shall apply to the following agencies:
- 40 (1) Occupational licensing agencies;
- 41 (2) The State Banking Commission, the Commissioner of Banks, the
 42 Savings Institutions Division of the Department of ~~Economic and~~
 43 ~~Community Development~~ Commerce, and the Credit Union Division of

1 the Department of ~~Economic and Community Development~~; Commerce;
2 and

3 (3) The Department of Insurance and the Commissioner of Insurance."

4 Sec. 77. G.S. 159-30(c)(5) reads as rewritten:

5 "(5) Savings certificates issued by any savings and loan association
6 organized under the laws of the State of North Carolina or by any
7 federal savings and loan association having its principal office in
8 North Carolina; provided that any principal amount of such certificate
9 in excess of the amount insured by the federal government or any
10 agency thereof, or by a mutual deposit guaranty association authorized
11 by the Administrator of the Savings Institutions Division of the
12 Department of ~~Economic and Community Development~~ Commerce of the
13 State of North Carolina, be fully collateralized."

14 Sec. 78. G.S. 159C-4 reads as rewritten:

15 **"§ 159C-4. Creation of authorities.**

16 (a) The governing body of any county is hereby authorized to create by
17 resolution a political subdivision and body corporate and politic of the State known as
18 'The (the blank space to be filled in with the name of the county) County
19 Industrial Facilities and Pollution Control Financing Authority,' which shall consist of a
20 board of seven commissioners, to be appointed by the governing body of such county in
21 the resolution creating such authority, or by subsequent resolution. At least 30 days
22 prior to the adoption of such resolution, the governing body of such county shall file
23 with the Department of ~~Economic and Community Development~~ Commerce and the Local
24 Government Commission of the State notice of its intention to adopt a resolution
25 creating an authority. At the time of the appointment of the first board of commissioners
26 the governing body of the county shall appoint two commissioners for initial terms of
27 two years each, two commissioners for initial terms of four years each and three
28 commissioners for initial terms of six years each and thereafter the terms of all
29 commissioners shall be six years, except appointments to fill vacancies which shall be
30 for the unexpired terms. Each appointed commissioner before entering upon his duties
31 shall take and subscribe to an oath before some person authorized by law to administer
32 oaths to execute the duties of his office faithfully and impartially, and a record of each
33 such oath shall be filed with the governing body of the county and entered in its
34 minutes. All authority commissioners will serve at the pleasure of the governing body of
35 the county. If at the end of any term of office of any commissioner a successor thereto
36 shall not have been appointed, then the commissioner whose term of office shall have
37 expired shall continue to hold office until his successor shall be so appointed and
38 qualified.

39 (b) Each commissioner of an authority shall be a qualified elector and resident of
40 the county for which the authority is created, and no commissioner shall be an elected
41 official of the county for which the authority is created. Any commissioner of an
42 authority may be removed, with or without cause, by the governing body of the county.

43 (c) The board of commissioners of the authority shall annually elect from its
44 membership a chairman and a vice-chairman and another person or persons, who may

1 but need not be commissioners, as treasurer, secretary and, if desired, assistant
2 secretary. The position of secretary and treasurer or assistant secretary and treasurer
3 may be held by the same person. The secretary of the authority shall keep a record of
4 the proceedings of the authority and shall be the custodian of all books, documents and
5 papers filed with the authority, the minute book or journal of the authority and its
6 official seal. Either the secretary or the assistant secretary of the authority may cause
7 copies to be made of all minutes and other records and documents of the authority and
8 may give certificates under the official seal of the authority to the effect that such copies
9 are true copies, and all persons dealing with the authority may rely upon such
10 certificates.

11 (d) A majority of the commissioners of an authority then in office shall constitute
12 a quorum. The affirmative vote of a majority of the commissioners of an authority then
13 in office shall be necessary for any action taken by the authority. A vacancy in the board
14 of commissioners of the authority shall not impair the right of a quorum to exercise all
15 the rights and perform all the duties of the authority. Any action taken by the authority
16 under the provisions of this Chapter may be authorized by resolution at any regular or
17 special meeting, and each resolution shall take effect immediately and need not be
18 published or posted. No bonds shall be issued under the provisions of this Chapter
19 unless the issuance thereof shall have been approved by the governing body of the
20 county.

21 (e) No commissioner of an authority shall receive any compensation for the
22 performance of his duties under this Chapter; provided, however, that each
23 commissioner shall be reimbursed for his necessary expenses incurred while engaged in
24 the performance of duties but only from moneys provided by obligors.

25 (f) Within 30 days of the date of creation of the authority, the authority shall
26 advise the Department of ~~Economic and Community Development~~ Commerce and the
27 Local Government Commission that an authority has been formed. The authority shall
28 also furnish such Department and such Commission with (i) a list of its commissioners
29 and its officers and (ii) a description of any projects that are under consideration by the
30 authority. The authority shall, from time to time, notify the Department of ~~Economic and~~
31 ~~Community Development~~ Commerce and the Local Government Commission of changes
32 in commissioners and officers and of new projects under consideration by the
33 authority."

34 Sec. 79. G.S. 159C-7 reads as rewritten:

35 **"§ 159C-7. Approval of project.**

36 No bonds may be issued by an authority unless the project for which the issuance
37 thereof is proposed is first approved by the Secretary of ~~Economic and Community~~
38 ~~Development~~ Commerce. The authority shall file an application for approval of its
39 proposed project with the Secretary of ~~Economic and Community Development~~,
40 Commerce, and shall notify the Local Government Commission of such filing.

41 The Secretary shall not approve any proposed project unless he shall make all of the
42 following, applicable findings:

43 (1) In the case of a proposed industrial project,

- 1 a. That the operator of the proposed project pays, or has agreed to
2 pay thereafter, an average weekly manufacturing wage (i)
3 which is above the average weekly manufacturing wage paid in
4 the county, or (ii) which is not less than ten percent (10%)
5 above the average weekly manufacturing wage paid in the
6 State, and
7 b. That the proposed project will not have a materially adverse
8 effect on the environment;
- 9 (2) In the case of a proposed pollution control project, that such project
10 will have a materially favorable impact on the environment or will
11 prevent or diminish materially the impact of pollution which would
12 otherwise occur; and
13 (2a) In the case of a hazardous waste facility or low-level radioactive waste
14 facility which is used as a reduction, recovery or recycling facility, that
15 such project will further the waste management goals of North
16 Carolina and will not have an adverse effect upon public health or a
17 significant adverse effect on the environment.
18 (3) In any case (whether the proposed project is an industrial or a pollution
19 control project), except a pollution control project for a public utility,
20 a. That the jobs to be generated or saved, directly or indirectly, by
21 the proposed project will be large enough in number to have a
22 measurable impact on the area immediately surrounding the
23 proposed project and will be commensurate with the size and
24 cost of the proposed project,
25 b. That the proposed operator of the proposed project has
26 demonstrated or can demonstrate the capability to operate such
27 project, and
28 c. That the financing of such project by the authority will not
29 cause or result in the abandonment of an existing industrial or
30 manufacturing facility of the proposed operator or an affiliate
31 elsewhere within the State unless the facility is to be abandoned
32 because of obsolescence, lack of available labor in the area, or
33 site limitations.

34 In no case shall the Secretary of ~~Economic and Community Development-Commerce~~
35 make the findings required by subdivisions (1)b and (2) of this section unless he shall
36 have first received a certification from the Department of Environment, Health, and
37 Natural Resources that, in the case of a proposed industrial project, the proposed project
38 will not have a materially adverse effect on the environment and that, in the case of a
39 proposed pollution control project, the proposed project will have a materially favorable
40 impact on the environment or will prevent or diminish materially the impact of pollution
41 which would otherwise occur. In no case shall the Secretary of ~~Economic and Community~~
42 ~~Development-Commerce~~ make the findings required by subdivision (2a) unless he shall
43 have first received a certification from the Department of Environment, Health, and
44 Natural Resources that the proposed project is environmentally sound, will not have an

1 adverse effect on public health and will further the waste management goals of North
2 Carolina. In any case where the Secretary shall make all of the required findings
3 respecting a proposed industrial project except that prescribed in subparagraph (1)a of
4 this section, the Secretary may, in his discretion, approve the proposed project if he
5 shall have received (i) a resolution of the governing body of the county requesting that
6 the proposed project be approved notwithstanding that the operator will not pay an
7 average weekly manufacturing wage above the average weekly manufacturing wage in
8 the county and (ii) a letter from an appropriate State official, selected by the Secretary,
9 to the effect that unemployment in the county is especially severe.

10 To facilitate his review of each proposed project, the Secretary may require the
11 authority to obtain and submit such data and information about such project as the
12 Secretary may prescribe. In addition, the Secretary may, in his discretion, request the
13 authority to hold a public hearing on the proposed project for the purpose of providing
14 the Secretary directly with the views of the community to be affected. The Secretary
15 may also prescribe such forms and such rules and regulations as he shall deem
16 reasonably necessary to implement the provisions of this section.

17 If the Secretary approves the proposed project, he shall prepare a certificate of
18 approval evidencing such approval and setting forth his findings and shall cause said
19 certificate of approval to be published in a newspaper of general circulation within the
20 county. Any such approval shall be reviewable as provided in Article 4 of Chapter 150B
21 of the General Statutes of North Carolina only by an action filed, within 30 days after
22 notice of such findings and approval shall have been so published, in the Superior Court
23 of Wake County. Such superior court is hereby vested with jurisdiction to hear such
24 action, but if no such action is filed within the 30 days herein prescribed, the validity of
25 such approval shall be conclusively presumed, and no court shall have authority to
26 inquire into such approval. Copies of the certificate of approval of the proposed project
27 will be given to the authority, the governing body of the county and the Secretary of the
28 Local Government Commission.

29 Such certificate of approval shall become effective immediately following the
30 expiration of such 30-day period or the expiration of any appeal period after a final
31 determination by any court of any action timely filed pursuant to this section. Such
32 certificate shall expire one year after its date unless extended by the Secretary who shall
33 not extend such certificate unless he shall again approve the proposed project as
34 provided in this section."

35 Sec. 80. G.S. 159C-8 reads as rewritten:

36 **"§ 159C-8. Approval of bonds.**

37 No bonds may be issued by an authority unless the issuance thereof is first approved
38 by the Local Government Commission.

39 The authority shall file an application for approval of its proposed bond issue with
40 the Secretary of the Local Government Commission, and shall notify the Secretary of
41 the Department of ~~Economic and Community Development~~ Commerce of such filing.

42 In determining whether a proposed bond issue should be approved, the Local
43 Government Commission may consider, without limitation, the following:

- 1 (1) Whether the proposed operator and obligor have demonstrated or can
2 demonstrate the financial responsibility and capability to fulfill their
3 obligations with respect to the financing agreement. In making such
4 determination, the Commission may consider the operator's experience
5 and the obligor's ratio of current assets to current liabilities, net worth,
6 earnings trends and coverage of fixed charges, the nature of the
7 industry or business involved and its stability and any additional
8 security such as insurance, guaranties or property to be pledged to
9 secure such bonds.
- 10 (2) Whether the political subdivisions in or near which the proposed
11 project is to be located have the ability to cope satisfactorily with the
12 impact of such project and to provide, or cause to be provided, the
13 public facilities and services, including utilities, that will be necessary
14 for such project and on account of any increase in population which
15 are expected to result therefrom.
- 16 (3) Whether the proposed date and manner of sale will have an adverse
17 effect upon any scheduled or anticipated sale of obligations by the
18 State or any political subdivision or any agency of either of them.

19 To facilitate the review of the proposed bond issue by the Commission, the Secretary
20 may require the authority to obtain and submit such financial data and information
21 about the proposed bond issue and the security therefor, including the proposed
22 prospectus or offering circular, the proposed financing agreement and security
23 document and annual and other financial reports and statements of the obligor, as the
24 Secretary may prescribe. The Secretary may also prescribe such forms and such rules
25 and regulations as he shall deem reasonably necessary to implement the provisions of
26 this section."

27 Sec. 81. G.S. 159D-4(h) reads as rewritten:

28 "(h) Within 30 days of the date of creation of the authority, the authority shall
29 advise the Department of ~~Economic and Community Development~~ Commerce and the
30 Local Government Commission that an authority has been formed. The authority shall
31 also furnish such Department and such Commission with (i) a list of its commissioners
32 and its officers and (ii) a description of any projects that are under consideration by the
33 authority. The authority shall, from time to time, notify the Department of ~~Economic and~~
34 ~~Community Development~~ Commerce and the Local Government Commission of changes
35 in the commissioners and officers, of counties which have become members of the
36 authority and of new projects under consideration by the authority."

37 Sec. 82. G.S. 159D-7 reads as rewritten:

38 "**§ 159D-7. Approval of project.**

39 No bonds may be issued by the authority unless the project for which the issuance
40 thereof is proposed is first approved by the Secretary of ~~Economic and Community~~
41 ~~Development~~ Commerce. The authority shall file an application for approval of its
42 proposed project with the Secretary of ~~Economic and Community Development~~,
43 Commerce, and shall notify the Local Government Commission of such filing.

1 The Secretary shall not approve any proposed project unless he shall make all of the
2 following, applicable findings:

- 3 (1) In the case of a proposed industrial project,
4 a. That the operator of the proposed project pays, or has agreed to
5 pay thereafter, an average weekly manufacturing wage (i)
6 which is above the average weekly manufacturing wage paid in
7 the county in which the project is to be located or (ii) which is
8 not less than ten percent (10%) above the average weekly
9 manufacturing wage paid in the State; and
10 b. That the proposed project will not have a materially adverse
11 effect on the environment;
- 12 (2) In the case of a proposed pollution control project, that such project
13 will have a materially favorable impact on the environment or will
14 prevent or diminish materially the impact of pollution which would
15 otherwise occur; and
- 16 (2a) In the case of a hazardous waste facility or low-level radioactive waste
17 facility which is used as a reduction, recovery or recycling facility, that
18 such project will further the waste management goals of North
19 Carolina and will not have an adverse effect upon public health or a
20 significant adverse effect on the environment; and
- 21 (3) In any case (whether the proposed project is an industrial or a pollution
22 control project),
23 a. That the jobs to be generated or saved, directly or indirectly, by
24 the proposed project will be large enough in number to have a
25 measurable impact on the area immediately surrounding the
26 proposed project and will be commensurate with the size and
27 cost of the proposed project,
28 b. That the proposed operator of the proposed project has
29 demonstrated or can demonstrate the capability to operate such
30 project, and
31 c. That the financing of such project by the authority will not
32 cause or result in the abandonment of an existing industrial or
33 manufacturing facility of the proposed operator or an affiliate
34 elsewhere within the State unless the facility is to be abandoned
35 because of obsolescence, lack of available labor in the area, or
36 site limitations.

37 In no case shall the Secretary of ~~Economic and Community Development~~ Commerce
38 make the findings required by subdivisions (1)b and (2) of this section unless he shall
39 have first received a certification from the Department of Environment, Health, and
40 Natural Resources that, in the case of a proposed industrial project, the proposed project
41 will not have a materially adverse effect on the environment and that, in the case of a
42 proposed pollution control project, the proposed project will have a materially favorable
43 impact on the environment or will prevent or diminish materially the impact of pollution
44 which would otherwise occur. In no case shall the Secretary of ~~Economic and Community~~

1 ~~Development-Commerce~~ make the findings required by subdivision (2a) unless he shall
2 have first received a certification from the Department of Environment, Health, and
3 Natural Resources that the proposed project is environmentally sound, will not have an
4 adverse effect on public health and will further the waste management goals of North
5 Carolina. In any case where the Secretary shall make all of the required findings
6 respecting a proposed industrial project, except that prescribed in subdivision (1)a of
7 this section, the Secretary may, in his discretion, approve the proposed project if he
8 shall have received (i) a resolution of the governing body of the county in which the
9 proposed project is to be located requesting that the proposed project be approved
10 notwithstanding that the operator will not pay an average weekly manufacturing wage
11 above the average weekly manufacturing wage in the county and (ii) a letter from an
12 appropriate State official, selected by the Secretary, to the effect that unemployment in
13 the county is especially severe.

14 To facilitate his review of each proposed project, the Secretary may require the
15 authority to obtain and submit such data and information about such project as the
16 Secretary may prescribe. In addition, the Secretary may, in his discretion, request the
17 authority to hold a public hearing on the proposed project for the purpose of providing
18 the Secretary directly with the views of the community to be affected. The Secretary
19 may also prescribe such forms and such rules and regulations as he shall deem
20 reasonably necessary to implement the provisions of this section.

21 If the Secretary approves the proposed project, he shall prepare a certificate of
22 approval evidencing such approval and setting forth his findings and shall cause said
23 certificate of approval to be published in a newspaper of general circulation within the
24 county in which the proposed project is to be located. Any such approval shall be
25 reviewable as provided in Article 4 of Chapter 150B of the General Statutes of North
26 Carolina only by an action filed, within 30 days after notice of such findings and
27 approval shall have been so published, in the Superior Court of Wake County. Such
28 superior court is hereby vested with jurisdiction to hear such action, but if no such
29 action is filed within the 30 days herein prescribed, the validity of such approval shall
30 be conclusively presumed, and no court shall have authority to inquire into such
31 approval. Copies of the certificate of approval of the proposed project will be given to
32 the authority, the governing body of the county in which the proposed project is to be
33 located and the secretary of the Local Government Commission.

34 Such certificate of approval shall become effective immediately following the
35 expiration of such 30-day period or the expiration of any appeal period after a final
36 determination by any court of any action timely filed pursuant to this section. Such
37 certificate shall expire one year after its date unless extended by the Secretary who shall
38 not extend such certificate unless he shall again approve the proposed project as
39 provided in this section. Any certificate of approval with respect to a project which has
40 become effective pursuant to G.S. 159C-7 shall be deemed to satisfy the requirements
41 of this section to the extent that the findings made by the Secretary pursuant to G.S.
42 159C-7 are consistent with the findings required to be made by the Secretary pursuant
43 hereto."

44 Sec. 83. G.S. 159D-8 reads as rewritten:

1 **"§ 159D-8. Approval of bonds.**

2 No bonds may be issued by the authority unless the issuance thereof is first approved
3 by the Local Government Commission.

4 The authority shall file an application for approval of its proposed bond issue with
5 the secretary of the Local Government Commission, and shall notify the Secretary of
6 the Department of ~~Economic and Community Development~~ Commerce of such filing.

7 In determining whether a proposed bond issue should be approved, the Local
8 Government Commission may consider, without limitation, the following:

9 (1) Whether the proposed operator and obligor have demonstrated or can
10 demonstrate the financial responsibility and capability to fulfill their
11 obligations with respect to the financing agreement. In making such
12 determination, the commission may consider the operator's experience
13 and the obligor's ratio of current assets to current liabilities, net worth,
14 earnings trends and coverage of fixed charges, the nature of the
15 industry or business involved and its stability and any additional
16 security such as insurance, guaranties or property to be pledged or
17 secure such bonds.

18 (2) Whether the political subdivisions in or near which the proposed
19 project is to be located have the ability to cope satisfactorily with the
20 impact of such project and to provide, or cause to be provided, the
21 public facilities and services, including utilities, that will be necessary
22 for such project and on account of any increase in population which
23 are expected to result therefrom.

24 (3) Whether the proposed date and manner of sale will have an adverse
25 effect upon any scheduled or anticipated sale of obligations by the
26 State or any political subdivision or any agency of either of them.

27 To facilitate the review of the proposed bond issue by the commission, the Secretary
28 may require the authority to obtain and submit such financial data and information
29 about the proposed bond issue and the security therefor, including the proposed
30 prospectus or offering circular, the proposed financing agreement and security
31 document and annual and other financial reports and statements of the obligor, as the
32 Secretary may prescribe. The Secretary may also prescribe such forms and such rules
33 and regulations as he shall deem reasonably necessary to implement the provisions of
34 this section."

35 Sec. 84. G.S. 168-2 reads as rewritten:

36 **"§ 168-2. Right of access to and use of public places.**

37 Handicapped persons have the same right as the ablebodied to the full and free use
38 of the streets, highways, sidewalks, walkways, public buildings, public facilities, and all
39 other buildings and facilities, both publicly and privately owned, which serve the public.
40 The Department of Human Resources shall develop, print, and promote the publication
41 ACCESS NORTH CAROLINA. It shall make copies of the publication available to the
42 Department of ~~Economic and Community Development~~ Commerce for its use in Welcome
43 Centers and other appropriate Department of ~~Economic and Community Development~~
44 Commerce offices. The Department of Economic and Community Development shall

1 promote ACCESS NORTH CAROLINA in its publications (including providing a toll-
2 free telephone line and an address for requesting copies of the publication) and provide
3 technical assistance to the Department of Human Resources on travel attractions to be
4 included in ACCESS NORTH CAROLINA. The Department of ~~Economic and~~
5 ~~Community Development~~ Commerce shall forward all requests for mailing ACCESS
6 NORTH CAROLINA to the Department of Human Resources."

7 Sec. 85. (a) The Revisor of Statutes is authorized to correct any reference or
8 citation in the General Statutes to any portion of the General Statutes which is amended
9 by this act by deleting incorrect references and substituting correct references.

10 (b) The Revisor of Statutes is authorized to delete any reference to the
11 Department of Economic and Community Development, the Secretary of Economic and
12 Community Development, or their predecessors in any portion of the General Statutes
13 to which conforming amendments are not made by this act and to substitute, as
14 appropriate and consistent with this act, any of the following phrases: Department of
15 Commerce or Secretary of Commerce.

16 Sec. 86. Every act of the Department to which this act applies which
17 occurred prior to the date this act is ratified and which is otherwise valid continues to be
18 valid and effective notwithstanding any change in name.

19 Sec. 87. There is appropriated from the General Fund to the Department of
20 Economic and Community Development the sum of five thousand dollars (\$5,000) for
21 the 1992-93 fiscal year to implement the provisions of this act.

22 Sec. 88. This act becomes effective January 1, 1993, except that Section 87
23 becomes effective July 1, 1992.