

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

**SESSION LAW 2010-184
SENATE BILL 1244**

AN ACT TO ADD STATE BOARD OF EDUCATION MEMBERS AS NONVOTING EX OFFICIO MEMBERS OF THE COMMISSION FOR EACH OF THE SEVEN ECONOMIC DEVELOPMENT REGIONS, AND TO ADD THE SECRETARY OF THE DEPARTMENT OF CULTURAL RESOURCES AS A NONVOTING EX OFFICIO MEMBER OF THE ECONOMIC DEVELOPMENT BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 158-8.1 reads as rewritten:

"§ 158-8.1. Creation of Western North Carolina Regional Economic Development Commission.

(a) There is created the Western North Carolina Regional Economic Development Commission to serve Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Polk, Rutherford, Swain, Transylvania, and Yancey Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 19 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Seven members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Seven members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The members of the State Board of Education appointed to represent the seventh and eighth education districts shall serve as nonvoting ex officio members of the Commission.

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SECTION 2. G.S. 158-8.2 reads as rewritten:

"§ 158-8.2. Creation of North Carolina's Northeast Commission.

(a) There is created the North Carolina's Northeast Commission to facilitate economic development in Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Gates, Halifax, Hertford, Hyde, Martin, Northampton, Pasquotank, Perquimans, Tyrrell, and Washington Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 18 appointed members and one ex officio member, as provided below. Each appointed member shall be an experienced business person who resides for most of the year in one or more of the counties that are members of the Commission.

- (1) Six members shall be appointed by the Governor.
- (2) Six members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.



- (3) Six members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- (4) The Secretary of Commerce, or a designee.
- (5) Repealed by Session Laws 1999-237, s. 16.6(a).

Any person appointed to the Commission who is also a county commissioner may hold that office in addition to the offices permitted by G.S. 128-1.1. The appointing authorities are encouraged to discuss and coordinate their appointments in an effort to ensure as many counties served by the Commission are represented among the membership of the Commission.

(b1) The member of the State Board of Education appointed to represent the first education district shall serve as a nonvoting ex officio member of the Commission.

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SECTION 3. G.S. 158-8.3 reads as rewritten:

"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development Commission.

(a) There is created the Southeastern North Carolina Regional Economic Development Commission to serve Bladen, Brunswick, Columbus, Cumberland, Hoke, New Hanover, Pender, Richmond, Robeson, Sampson, and Scotland Counties, and any other county assigned to the Commission by the Department of Commerce as authorized by law. The Commission shall be located administratively in the Department of Commerce but shall exercise its statutory powers and duties independently of the Department of Commerce. Funds appropriated for the Commission by the General Assembly shall be disbursed directly to the Commission at the beginning of each fiscal year.

(b) The Commission shall consist of 15 members appointed as follows:

- (1) Three members shall be appointed by the Governor;
- (2) Two members shall be appointed by the Lieutenant Governor;
- (3) Five members shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121; and
- (4) Five members shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.

(b1) The member of the State Board of Education appointed to represent the fourth education district shall serve as a nonvoting ex officio member of the Commission.

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SECTION 4. Article 2 of Chapter 158 of the General Statutes is amended by adding a new section to read:

"§ 158-8.4A. State Board of Education members as ex officio commission members.

As a condition on the receipt of State funds, the member of the State Board of Education appointed to represent the designated education district shall serve as a member of the following Commissions:

- (1) Charlotte Regional Partnership, Inc. – The State Board of Education member appointed to represent the sixth education district shall serve as a nonvoting ex officio member of the Commission.
- (2) Piedmont Triad Regional Partnership. – The State Board of Education member appointed to represent the fifth education district shall serve as a nonvoting ex officio member of the Commission.
- (3) Research Triangle Regional Partnership. – The State Board of Education member appointed to represent the third education district shall serve as a nonvoting ex officio member of the Commission."

SECTION 5. G.S. 158-35 reads as rewritten:

"§ 158-35. Commission membership, officers, compensation.

(a) Commission Membership. – The governing body of the Region is the Commission. The members of the Commission must be residents of the Region and shall be appointed as follows:

- (1) The board of commissioners of each county participating in the Region shall, in consultation with the county's local business community, appoint one member.
- (2), (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.

- (4) The General Assembly shall appoint two members to the Commission on the recommendation of the Speaker of the House of Representatives and two members on the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121. The Governor shall appoint two members to the Commission. No two members appointed under this subdivision may be residents of the same county. The President Pro Tempore of the Senate, Speaker of the House of Representatives, and the Governor shall consult to assist in geographic diversity in those six appointments. In order to be eligible for appointment under this subdivision, a person must be a resident of the region. No person appointed under this subdivision is eligible to be chairperson or vice-chairperson.

(a1) Ex Officio Member. – The member of the State Board of Education appointed to represent the second education district shall serve as a nonvoting ex officio member of the Commission.

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SECTION 6. G.S. 143B-434(b) reads as rewritten:

"(b) Membership. – The Economic Development Board shall consist of ~~37~~38 members. The Secretary of Commerce shall serve ex officio as a member and as the secretary of the Economic Development Board. The Secretary of Revenue shall serve as an ex officio, nonvoting member. The Secretary of the Department of Cultural Resources shall serve as an ex officio, nonvoting member. Four members of the House of Representatives appointed by the Speaker of the House of Representatives, four members of the Senate appointed by the President Pro Tempore of the Senate, the President of The University of North Carolina, or designee, the President of the North Carolina Community College System, or designee, the Secretary of State, and the President of the Senate (or the designee of the President of the Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23 members of the Board. Effective with the terms beginning July 1, 1997, one of the Governor's appointees shall be a representative of a nonprofit organization involved in economic development and two of the Governor's appointees shall be county economic development representatives. The Governor shall designate a chair and a vice-chair from among the members of the Board. Appointments to the Board made by the Governor for terms beginning July 1, 1997, and appointments to the Board made by the Speaker of the House of Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993, should reflect the ethnic and gender diversity of the State as nearly as practical.

The initial appointments to the Board shall be for terms beginning on July 9, 1993. Of the initial appointments made by the Governor, the terms shall expire July 1, 1997. Of the initial appointments made by the Speaker of the House of Representatives and by the President Pro Tempore of the Senate two appointments of each shall be designated to expire on July 1, 1995; the remaining terms shall expire July 1, 1997. Thereafter, all appointments shall be for a term of four years.

The appointing officer shall make a replacement appointment to serve for the unexpired term in the case of a vacancy.

The members of the Economic Development Board shall receive per diem and necessary travel and subsistence expenses payable to members of State Boards and agencies generally pursuant to G.S. 138-5 and G.S. 138-6, as the case may be. The members of the Economic Development Board who are members of the General Assembly shall not receive per diem but shall receive necessary travel and subsistence expenses at rates prescribed by G.S. 120-3.1."

SECTION 7. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 6th day of July, 2010.

s/ Walter H. Dalton
President of the Senate

s/ Joe Hackney
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 1:15 p.m. this 3rd day of August, 2010