

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 722
SENATE BILL 309

1 AN ACT TO AMEND CHAPTER 158 OF THE GENERAL STATUTES TO AUTHORIZE
2 THE ESTABLISHMENT OF ECONOMIC DEVELOPMENT COMMISSIONS, AND TO
3 AMEND CHAPTER 153 TO AUTHORIZE THE ESTABLISHMENT OF REGIONAL
4 PLANNING COMMISSIONS, BY POLITICAL SUBDIVISIONS.

5
6 The General Assembly of North Carolina do enact:
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8 **Section 1.** Chapter 158 of the General Statutes of North Carolina is amended by
9 designating Sections 158-1 through 158-7 as Article 1.

10 **Sec. 2.** Chapter 158 of the General Statutes is further amended by adding a new
11 Article, to be designated as Article 2, and to read as follows:

12 "Article 2

13 "Economic Development Commissions

14 **"G.S. 158-8. Creation of Economic Development Commissions.** The governing body of any
15 municipality or the board of county commissioners of any county may by resolution create an
16 Economic Development Commission for said municipality or county. The governing bodies of
17 any two or more municipalities and/or counties may by joint resolution, adopted by separate
18 vote of each governing body concerned, create a Regional Economic Development
19 Commission. A municipal or county Economic Development Commission shall consist of from
20 three to nine members, named for terms and compensation (if any) fixed by its respective
21 governing body. The membership, compensation (if any), and terms of a Regional Economic
22 Development Commission, and the formula for its financial support, shall be fixed by the joint
23 resolution creating the Commission. Additional governmental units may join a Regional
24 Commission with the consent of all existing members. Any governmental unit may withdraw
25 from a Regional Commission on two years' notice to the other members. The resolution
26 creating a municipal, county, or regional Economic Development Commission may be
27 modified, amended, or repealed in the same manner as it was originally adopted.

28 **"G.S. 158-9. Organization of the Commission.** Upon its appointment, the Economic
29 Development Commission shall promptly meet and elect from among its members a chairman
30 and such other officers as it may choose, for such terms as it shall prescribe in its rules and
31 regulations. The Commission shall adopt such rules and regulations not inconsistent herewith
32 as it may deem necessary for the proper discharge of its duties. The chairman may appoint such
33 committees as the work of the Commission may require. The Commission shall meet regularly,
34 at least once every three months, at places and dates specified in the rules. Special meetings
35 may be called as specified in the rules.

36 **"G.S. 158-10. Staff.** Within the limits of appropriated funds, the Commission may hire and fix
37 the compensation of any personnel necessary to its operations, contract with consultants for
38 such services as it may require, and contract with the State of North Carolina or the Federal
39 Government, or any agency or department thereof, for such services as may be provided by
40 such agencies; and it is hereby empowered to carry out the provisions of such contracts as it
41 may enter.

1 **"G.S. 158-11. Office and equipment.** Within the limits of appropriated funds, the
2 Commission may lease, rent, or purchase, or otherwise obtain suitable quarters and office space
3 for its staff, and may lease, rent, or purchase necessary furniture, fixtures, and other equipment.

4 **"G.S. 158-12. Fiscal affairs.** The Commission may accept, receive, and disburse in
5 furtherance of its functions any funds, grants, and services made available by the Federal
6 Government and its agencies, the State government and its agencies, any municipalities or
7 counties, and by private and civic sources.

8 "Each municipality or county shall have authority to appropriate funds to any local or
9 regional Economic Development Commission which it may have created, out of surplus funds
10 or funds derived from nontax sources. In addition, it may appropriate any funds to such
11 Commission which shall be derived from taxes levied pursuant to Article 1 of this Chapter or
12 pursuant to any general, special or local Act granting authority for an industrial development or
13 economic development tax. Such expenditures shall constitute a special purpose in addition to
14 any allowed by the Constitution.

15 "All expenditures by any Economic Development Commission shall be made pursuant to a
16 budget submitted to and approved by the appropriate governing body or bodies of the local
17 governmental unit or units concerned. Each such Commission shall annually provide the
18 appropriate governing body or bodies with an audit of its receipts and expenditures, made by a
19 certified public accountant, or it shall at the direction of the governing body make its records
20 available to the unit's regular auditing accountant for such audit. The governing body or bodies
21 concerned may impose such additional requirements governing the Commission's fiscal affairs
22 as they may deem necessary.

23 **"G.S. 158-13. Powers and duties.** Any Economic Development Commission created pursuant
24 to this Article shall:

25 (1) Receive from any municipal, county, joint, or regional planning board or
26 commission with jurisdiction within its area an economic development program for part or all
27 of the area;

28 (2) Formulate projects for carrying out such economic development program, through
29 attraction of new industries, encouragement of existing industries, encouragement of
30 agricultural development, encouragement of new business and industrial ventures by local as
31 well as foreign capital, and other activities of a similar nature;

32 (3) Conduct industrial surveys as needed, advertise in periodicals or other
33 communications media, furnish advice and assistance to business and industrial prospects
34 which may locate in its area, furnish advice and assistance to existing businesses and industries,
35 furnish advice and assistance to persons seeking to establish new businesses or industries, and
36 engage in related activities:

37 (4) Encourage the formation of private business development corporations or
38 associations which may carry out such projects as securing and preparing sites for industrial
39 development, constructing industrial buildings, or rendering financial or managerial assistance
40 to businesses and industries; furnish advice and assistance to such corporations or associations;

41 (5) Carry on such other activities as may be necessary in the proper exercise of the
42 functions described herein.

43 **"G.S. 158-14. Regional Planning and Economic Development Commissions Authorized.**

44 Any municipalities and/or counties desiring to exercise the powers granted by this Article may,
45 at their option, create a Regional Planning and Economic Development Commission, which
46 shall have and exercise all of the powers and duties granted to a Regional Economic
47 Development Commission under this Article and in addition the powers and duties granted to a
48 Regional Planning Commission under Article 22 of Chapter 153. In the event that such a
49 combined Commission is created, it shall keep separate books of accounts for appropriations
50 and expenditures made pursuant to this Article and for appropriations and expenditures made

1 pursuant to Article 22 of Chapter 153. The financial limitations set forth in each such Article
2 shall govern expenditures made pursuant to such Article.

3 **"G.S. 158-15. Powers granted herein supplementary.** The powers granted to counties and
4 municipalities by this Article shall be deemed supplementary to any powers heretofore or
5 hereafter granted by any general or local Act for the same or similar purposes, and in any case
6 where the provisions of this Article conflict with or are different from the provisions of any
7 other Act, the board of county commissioners or the municipal governing board may in its
8 discretion proceed in accordance with the provisions of this Article or, as an alternative
9 method, in accordance with the provisions of such other Act."

10 **Sec. 3.** Chapter 153 of the General Statutes is hereby amended by adding a new
11 Article at the end thereof, to be designated as Article 22 and to read as follows:

12 "Article 22

13 "Regional Planning Commissions

14 **"G.S. 153-272. Creation of Regional Planning Commissions authorized.** Any two or more
15 municipalities and/or counties may, by agreement of their respective governing bodies, create a
16 Regional Planning Commission to have and exercise the powers and duties herein granted.
17 Such creation shall be through the adoption by each governing body concerned, acting
18 individually, of a joint resolution. Said resolution shall provide the membership of the
19 Commission, the terms of the members, procedures for removing or replacing members, the
20 compensation (if any) and extent of reimbursement of expenses of members, the method for
21 determining the financial support to be given the Commission by each governmental unit
22 concerned, and the budgetary procedures to be followed. Said resolution may be modified,
23 amended, or repealed at any time through unanimous action of the governmental units
24 concerned. Any individual governmental unit may withdraw from the Regional Planning
25 Commission after giving two years' notice to the other units concerned. Any municipality or
26 county may join a Regional Planning Commission at any time with the concurrence of the other
27 units concerned.

28 **"G.S. 153-273. Organization of the Commission.** Upon its creation, the Commission shall
29 meet at a time and place agreed upon by the governing boards concerned. It shall elect from
30 among its members a chairman and such other officers as it may choose, for such terms as it
31 may prescribe in its rules and regulations. The Commission shall adopt such rules and
32 regulations not inconsistent herewith as it may deem necessary for the proper discharge of its
33 duties. The chairman may appoint such committees as may be authorized by the Commission's
34 rules and regulations. The Commission shall meet regularly at such times and places as may be
35 specified in its rules and regulations, and special meetings may be called pursuant to such rules.
36 All meetings shall be open to the public.

37 **"G.S. 153-274. Staff.** Within the limits of appropriated funds, the Commission may:

38 (1) Hire and fix the compensation of a planning director (who shall preferably be
39 qualified by training and experience in city, regional, or State planning) and such other
40 employees and staff as it may deem necessary for its work;

41 (2) Contract with planners and other experts for such services as it may require;

42 (3) Contract with the State of North Carolina or the Federal Government, or any agency
43 or department thereof, for such services as may be provided by such agencies, and carry out the
44 provisions of such contracts.

45 **"G.S. 153-275. Fiscal affairs.** The Commission may accept, receive, and disburse in
46 furtherance of its functions any funds, grants, and services made available by the Federal
47 Government and its agencies, the State government and its agencies, any municipalities or
48 counties, and by private and civic sources. All fiscal procedures shall be in accordance with the
49 resolution adopted for its creation. The Commission shall prepare each year a report of its
50 activities, including a financial statement, and this report shall be distributed to all member
51 municipalities and counties.

1 "Each municipality and county having membership on the Commission shall have authority
2 to appropriate funds to the Commission and may also levy annually taxes for the payment of
3 such appropriation as a special purpose, in addition to any allowed by the Constitution.

4 **"G.S. 153-276. Powers and duties.** Any Regional Planning Commission formed pursuant to
5 this Article shall:

6 (1) Prepare and from time to time revise, amend, extend or add to a plan or plans for the
7 development of the region, which plan or plans collectively shall be known as the regional
8 development plan. Such plan shall be based on studies of physical, social, economic and
9 governmental conditions and trends and shall aim at the coordinated development of the region
10 in order to promote the general welfare and prosperity of its people. In preparing the regional
11 development plan, the Commission shall take account of and shall seek to harmonize the
12 planning activities of Federal, State, county, municipal, or other local or private agencies within
13 the area. In preparing such plan, or any part thereof, and in preparing, from time to time,
14 revisions, amendments, extensions or additions, the Commission may seek the cooperation and
15 advice of appropriate departments, agencies and instrumentalities of Federal, State and local
16 governments, of other regional planning commissions, educational institutions and research
17 organizations, whether public or private, and of civic groups and private persons and
18 organizations. The regional development plan shall embody the policy recommendations of the
19 Commission in regard to the physical and economic development of the region and shall
20 contain:

- 21 (a) A statement of the objectives, standards, and principles sought to be
22 expressed in the regional development plan;
- 23 (b) Recommendations for the most desirable pattern of land use within the
24 region in the light of the best available information concerning topography,
25 climate, soil and underground conditions, water courses and bodies of water,
26 and other natural or environmental factors, as well as in the light of the best
27 available information concerning the present and prospective economic
28 bases of the region, trends of industrial, population, or other developments,
29 the habits and standards of life of the people of the region, and the relation of
30 land use within the region to land use in adjoining areas. Such
31 recommendations shall, insofar as appropriate, indicate areas for residential
32 uses and maximum recommended densities therein; areas for farming and
33 forestry, mining and other extractive industries; areas for manufacturing and
34 industrial uses, with classification of such areas in accordance with their
35 compatibility with land use in adjoining areas; areas for the concentration of
36 wholesale, retail, business, and other commercial uses; areas for recreational
37 uses, and for open spaces, and areas for mixed uses;
- 38 (c) The circulation pattern recommended for the region, including routes and
39 terminals of transit, transportation and communication facilities, whether
40 used for movement within the region or for movement from and to adjoining
41 areas;
- 42 (d) Recommendations concerning the need for and the proposed general
43 location of public and private works and facilities, such as utilities, flood
44 control works, water reservoirs and pollution control facilities, military or
45 defense installations, which works or facilities, by reason of their function,
46 size, extent or for any other causes are of regional as distinguished from
47 purely local concern, or which for any other cause are appropriate subjects
48 for inclusion in the regional development plan;
- 49 (e) An economic development program for the region, including but not limited
50 to individual projects to further the prosperity of various areas within the
51 region;

1 (f) Such other recommendations of the Commission concerning current and
2 impending problems as may affect the region as a whole;

3 (2) Make or assist in studies and investigations, insofar as may be relevant to regional
4 planning, of the resources of the region and of existing and emerging problems of agriculture,
5 industry, commerce, transportation, population, housing, public service, local government and
6 of allied matters affecting the development of the region, and in making such studies to seek
7 the cooperation and collaboration of appropriate departments, agencies and instrumentalities of
8 Federal, State and local governments, educational institutions and research organizations,
9 whether public or private, and of civic groups and private persons and organizations;

10 (3) Prepare and from time to time revise inventory listings of the region's natural
11 resources, and of major public and private works and facilities of all kinds which are deemed of
12 importance to the development of the region as a whole;

13 (4) Cooperate with, and provide planning assistance, including but not limited to
14 surveys, land use studies, urban renewal plans, technical services and other planning work, to
15 county, municipal or other local governments, instrumentalities or planning agencies;
16 coordinate its planning activities with the planning activities of the State, and of the counties,
17 municipalities, or other local units within its region, and cooperate with and assist departments
18 and other agencies or instrumentalities of Federal, State and local government as well as other
19 regional planning commissions in the execution of their planning functions with a view to
20 harmonizing their planning activities with the regional development plan. Copies of all studies
21 and plans developed by the Commission shall be furnished to the Governor, for distribution to
22 appropriate State agencies. The Commission shall also cooperate and confer with, and upon
23 request supply information to, Federal agencies, and to local or regional agencies created
24 pursuant to a Federal program or which receive Federal support, and shall cooperate and
25 confer, as far as possible, with planning agencies of other states or of regional groups of states
26 adjoining its area. Whenever cooperation or assistance under this subdivision includes the
27 rendering of technical services, such services may be rendered free or in accordance with an
28 agreement for reimbursement;

29 (5) Advise and supply information, as far as available, to civic groups and private
30 persons and organizations who may request such information or advice, and who study or
31 otherwise concern themselves with the region's problems and development in the fields of
32 agriculture, business and industry, labor, natural resources, urban growth, housing and public
33 service activities such as public health and education, insofar as such problems and
34 development may be relevant to regional planning;

35 (6) Encourage the formation of economic development commissions by the various
36 governmental units in the region and of private business development corporations, to the
37 extent that such agencies are deemed necessary to carrying out its economic development
38 program;

39 (7) Grant approval, as may be required by any Federal legislation, of any governmental
40 or private development projects which are in accordance with its economic development
41 program, so as to qualify such projects for financial assistance from the Federal Government;

42 (8) Provide information to officials of departments, agencies and instrumentalities of
43 State and local governments, and to the public at large, in order to foster public awareness and
44 understanding of the objectives of the regional development plan and the functions of regional
45 and local planning, and in order to stimulate public interest and participation in the orderly,
46 integrated development of the region;

47 (9) Hold public or private hearings and sponsor public forums in any part of its area
48 whenever it deems them necessary or useful in the execution of its other functions;

49 (10) Create one or more Citizens Advisory Committees to assist it in the performance of
50 its functions;

1 (11) Cooperate, in the exercise of its planning functions, with Federal and State agencies
2 in planning for civil defense;

3 (12) Exercise all other powers necessary and proper for the discharge of its duties.

4 **"G.S. 153-277. Cooperation by Local Governments and Planning Agencies.** To facilitate
5 effective and harmonious planning of the region, all county and municipal legislative bodies in
6 the region, and all county and municipal or other local planning agencies in the region, shall
7 file with the Commission, for its information, all county and municipal plans, zoning
8 ordinances, official maps, building codes, subdivision regulations, or amendments or revisions
9 of any of them, as well as copies of their regular and special reports dealing in whole or in part
10 with planning matters. County or municipal legislative bodies, or county, municipal, or other
11 local planning agencies, may also submit proposals for such plans, ordinances, maps, codes,
12 regulations, amendments, or revisions prior to their adoption, in order to afford an opportunity
13 to the Commission or its staff to study such proposals and render its advice thereon.

14 **"G.S. 153-278. Regional Planning and Economic Development Commissions Authorized.**
15 Any municipalities and/or counties desiring to exercise the powers granted by this Article may,
16 at their option, create a Regional Planning and Economic Development Commission, which
17 shall have and exercise all of the powers and duties granted to a Regional Planning
18 Commission under this Article and in addition the powers and duties granted to an Economic
19 Development Commission under Article 2 of Chapter 158. In the event that such a combined
20 Commission is created, it shall keep separate books of accounts for appropriations and
21 expenditures made pursuant to this Article and for appropriations and expenditures made
22 pursuant to Article 2 of Chapter 158. The financial limitations set forth in each such Article
23 shall govern expenditures made pursuant to such Article.

24 **"G.S. 153-279. Powers granted supplementary.** The powers granted to municipalities and
25 counties by this Article shall be deemed supplementary to any powers heretofore or hereafter
26 granted by any general or local Act for the same or similar purposes, and in any case where the
27 provisions of this Article conflict with or are different from the provisions of any other Act, the
28 governing body of the unit or units concerned may, in its discretion, proceed in accordance
29 with the provisions of this Article or, as an alternative method, in accordance with the
30 provisions of such other Act."

31 **Sec. 4.** Should any Section, clause, or provision of this Act be declared by the
32 courts to be unconstitutional or invalid for any reason such decision shall not affect the validity
33 of the Act as a whole or any part thereof other than the part so decided to be unconstitutional or
34 invalid.

35 **Sec. 5.** All laws and clauses of laws in conflict herewith, except as indicated in
36 G.S. 158-15 and 153-279 of the Articles added by this Act, are hereby repealed to the extent of
37 such conflict.

38 **Sec. 6.** This Act shall become effective upon its ratification.

39 In the General Assembly read three times and ratified, this the 13th day of June,
40 1961.