

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1244*
Education/Higher Education Committee Substitute Adopted 6/16/10
House Committee Substitute Favorable 6/29/10

Short Title: SBOE Members Ex Officio to Econ. Dev. Comm.

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

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.

...."

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



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1 by law. The Commission shall be located administratively in the Department of Commerce but
2 shall exercise its statutory powers and duties independently of the Department of Commerce.
3 Funds appropriated for the Commission by the General Assembly shall be disbursed directly to
4 the Commission at the beginning of each fiscal year.

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

9 (1) Six members shall be appointed by the Governor.

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

13 (3) Six members shall be appointed by the General Assembly upon the
14 recommendation of the Speaker of the House of Representatives in
15 accordance with G.S. 120-121.

16 (4) The Secretary of Commerce, or a designee.

17 (5) Repealed by Session Laws 1999-237, s. 16.6(a).

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

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

24"

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

26 **"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development**
27 **Commission.**

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

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

37 (1) Three members shall be appointed by the Governor;

38 (2) Two members shall be appointed by the Lieutenant Governor;

39 (3) Five members shall be appointed by the General Assembly upon the
40 recommendation of the Speaker of the House of Representatives in
41 accordance with G.S. 120-121; and

42 (4) Five members shall be appointed by the General Assembly upon the
43 recommendation of the President Pro Tempore of the Senate in accordance
44 with G.S. 120-121.

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

47"

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

50 **"§ 158-8.4A. State Board of Education members as ex officio commission members.**

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

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

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

14 "**§ 158-35. Commission membership, officers, compensation.**

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

- 18 (1) The board of commissioners of each county participating in the Region shall,
19 in consultation with the county's local business community, appoint one
20 member.
21 (2), (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.
22 (4) The General Assembly shall appoint two members to the Commission on the
23 recommendation of the Speaker of the House of Representatives and two
24 members on the recommendation of the President Pro Tempore of the Senate
25 in accordance with G.S. 120-121. The Governor shall appoint two members
26 to the Commission. No two members appointed under this subdivision may
27 be residents of the same county. The President Pro Tempore of the Senate,
28 Speaker of the House of Representatives, and the Governor shall consult to
29 assist in geographic diversity in those six appointments. In order to be
30 eligible for appointment under this subdivision, a person must be a resident
31 of the region. No person appointed under this subdivision is eligible to be
32 chairperson or vice-chairperson.

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

36 "...."

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

38 "(b) Membership. – The Economic Development Board shall consist of ~~37~~38 members.
39 The Secretary of Commerce shall serve ex officio as a member and as the secretary of the
40 Economic Development Board. The Secretary of Revenue shall serve as an ex officio,
41 nonvoting member. The Secretary of the Department of Cultural Resources shall serve as an ex
42 officio, nonvoting member. Four members of the House of Representatives appointed by the
43 Speaker of the House of Representatives, four members of the Senate appointed by the
44 President Pro Tempore of the Senate, the President of The University of North Carolina, or
45 designee, the President of the North Carolina Community College System, or designee, the
46 Secretary of State, and the President of the Senate (or the designee of the President of the
47 Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23
48 members of the Board. Effective with the terms beginning July 1, 1997, one of the Governor's
49 appointees shall be a representative of a nonprofit organization involved in economic
50 development and two of the Governor's appointees shall be county economic development
51 representatives. The Governor shall designate a chair and a vice-chair from among the

1 members of the Board. Appointments to the Board made by the Governor for terms beginning
2 July 1, 1997, and appointments to the Board made by the Speaker of the House of
3 Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,
4 should reflect the ethnic and gender diversity of the State as nearly as practical.

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

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

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

18 **SECTION 7.** This act is effective when it becomes law.