

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 1991

CHAPTER 959  
SENATE BILL 1235

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

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
Commissioner of Insurance	12
Speaker Pro Tempore of the House	13
Legislative Administrative Officer	14
Secretary of Administration	15
Secretary of Environment, Health, and Natural Resources	16
Secretary of Revenue	17
Secretary of Human Resources	18
Secretary of <del>Economic and Community</del> <del>Development</del> Commerce	19
Secretary of Correction	20
Secretary of Cultural Resources	21
Secretary of Crime Control and Public Safety	22

Governor's Staff	23-29
State Budget Officer	30
State Personnel Director	31
Advisory Budget Commission	
Nonlegislative Member	32-41
Chair of the State Board of Education	42
President of the U.N.C. System	43
Alcoholic Beverage Control Commission	44-46
Assistant Commissioners of Agriculture	47-48
Deputy Secretary of State	49
Deputy State Treasurer	50
Assistant State Treasurer	51
Deputy Commissioner for the Department of Labor	52
Chief Deputy for the Department of Insurance	53
Assistant Commissioner of Insurance	54
Deputies and Assistant to the Attorney General	55-65
Board of Economic Development	
Nonlegislative Member	66-88
State Ports Authority	
Nonlegislative Member	89-96
Utilities Commission Member	97-104
Parole Commission Member	105-109
State Board Member, Commission Member, or State Employee Not Named in List	110-200".

Sec. 2. G.S. 20-79.7(c) reads as rewritten:

"(c) Use of Remaining Proceeds. – The remaining revenue in the Fund shall be transferred quarterly as follows:

- (1) Thirty-three percent (33%) to the account of the Department of ~~Economic and Community Development~~ Commerce to aid in financing out-of-state print and other media advertising under the program for the promotion of travel and industrial development in this State.
- (2) Fifty percent (50%) to the Department of Transportation to be used solely for the purpose of beautification of highways other than those designated as interstate. These funds shall be administered by the Department of Transportation for beautification purposes not inconsistent with good landscaping and engineering principles.
- (3) Seventeen percent (17%) to the account of the Department of Human Resources to promote travel accessibility for disabled persons in this State. These funds shall be used to collect and update site information on travel attractions designated by the Department of ~~Economic and Community Development~~ Commerce in its publications, to provide technical assistance to travel attractions concerning accommodation of disabled tourists, and to develop, print, and promote the publication

ACCESS NORTH CAROLINA as provided in G.S.168-2. Any funds allocated for these purposes that are neither spent nor obligated at the end of the fiscal year shall be transferred to the Department of Administration for removal of man-made barriers to disabled travelers at State-funded travel attractions. Guidelines for the removal of man-made barriers shall be developed in consultation with the Department of Human Resources."

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

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

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

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

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

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

"(4) To examine at least once a year, and oftener if such examination be deemed necessary by the Administrator or his assistant, the credit unions formed under this Article. A report of such examination shall be filed with the State Department of ~~Economic and Community Development-Commerce~~, and a copy mailed to the credit union at its proper address."

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

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

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

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

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

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

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

"(b) Articles of incorporation of a guaranty association shall be filed in the office of the Secretary of State. The Secretary of State shall, upon receipt of such articles,

transmit a copy of them to the Secretary of ~~Economic and Community Development Commerce~~ and shall not record them until authorized to do so by the Secretary of ~~Economic and Community Development Commerce~~."

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

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

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

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

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

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

Upon receipt of the certification provided for in G.S. 54B-238, the Secretary of State shall record the articles of incorporation of such guaranty association and furnish a certified copy thereof to the incorporators and to the Secretary of ~~Economic and Community Development Commerce~~. Upon such recordation, such association shall be deemed a corporation. All papers thereafter filed in the office of the Secretary of State relating to such corporation shall be recorded as provided by law and a certified copy forwarded to the Secretary of ~~Economic and Community Development Commerce~~."

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

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

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

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

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

(a) Upon receipt from the Secretary of State of a copy of proposed amendments to the articles of incorporation of a mutual deposit guaranty association, the Secretary of

~~Economic and Community Development~~ Commerce shall at once examine the proposed amendments to determine their effect on the operation of the guaranty association.

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

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

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

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

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

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

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

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

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

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

(a) In addition to any and all other powers, duties and functions vested in the Secretary of ~~Economic and Community Development~~ Commerce under the provisions of this Article, and for the protection of member institutions and the general public, the Secretary of ~~Economic and Community Development~~ Commerce shall have general control and supervision over all mutual deposit guaranty associations doing business in this State. Mutual deposit guaranty associations shall be subject to the control and supervision of the Secretary of ~~Economic and Community Development~~ Commerce as to their conduct, organization, management, business practices, reserve requirements and their financial and fiscal matters. The grant of general control and supervision over mutual deposit guaranty associations to the Secretary of ~~Economic and Community Development~~ Commerce by this Article shall in no way be deemed to affect the existing powers, duties and responsibilities of the Credit Union Commission, the Commissioner

of Banks, the State Banking Commission or the North Carolina Savings Institutions Commission except for the removal herein of general control and supervision over mutual deposit guaranty associations from the Administrator of the Savings Institutions Division to the Secretary of ~~Economic and Community Development~~ Commerce.

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

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

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

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

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

**"§ 54B-247. Special examinations.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Credit. – A corporation that (i) for at least 40 weeks during the year has at least nine employees and (ii) is located, for part or all of its taxable year, in a severely distressed county may qualify for a credit against the tax imposed by this Division by creating new full-time jobs with the corporation in the severely distressed county during that year. A corporation that hires an additional full-time employee during that year to fill a position located in a severely distressed county is allowed a credit of two thousand eight hundred dollars (\$2,800) for the additional employee. A position is located in a county if (i) at least fifty percent (50%) of the employee's duties are performed in the county, or (ii) the employee is a resident of the county. The credit may not be taken in

the income year in which the additional employee is hired. Instead, the credit shall be taken in equal installments over the four years following the income year in which the additional employee was hired and shall be conditioned on the continued employment by the corporation of the number of full-time employees the corporation had upon hiring the employee that caused the corporation to qualify for the credit. If, in one of the four years in which the installment of a credit accrues, the number of the corporation's full-time employees falls below the number of full-time employees the company had in the year in which the corporation qualified for the credit or the position filled by the employee is moved to another county, the credit expires and the corporation may not take any remaining installment of the credit. The corporation may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under subsection (e) of this section.

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

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

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

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

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

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

(d) Planned Expansion. – A corporation that, during the year in which a county is designated as a severely distressed county, signs a letter of commitment with the



Department of ~~Economic and Community Development~~ Commerce to create at least twenty new full-time jobs in that distressed county within two years of the date the letter is signed qualifies for the credit allowed by this section even though the employees are not hired that year. The credit shall be available in the income year after at least twenty employees have been hired if such hirings are within the two-year commitment period. The conditions outlined in subsection (a) apply to a credit taken under this subsection except that if the county is no longer designated a severely distressed county after the year the letter of commitment was signed, the credit is still available. If the corporation does not hire the employees within the two-year period, the corporation does not qualify for the credit. However, if the corporation qualifies for a credit under subsection (a) in the year any new employees are hired, it may take the credit under that subsection.

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

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

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

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

(a) Credit. – A person who (i) for at least 40 weeks during the year has at least nine employees and (ii) whose business is located, for part or all of his taxable year, in a severely distressed county may qualify for a credit against the tax imposed by this Division by creating new full-time jobs with the business in the severely distressed county during that year. A person who hires an additional full-time employee during that year to fill a position located in a severely distressed county is allowed a credit of two thousand eight hundred dollars (\$2,800) for the additional employee. A position is located in a county if (i) at least fifty percent (50%) of the employee's duties are performed in the county, or (ii) the employee is a resident of the county. The credit may not be taken in the income year in which the additional employee is hired. Instead, the credit shall be taken in equal installments over the four years following the income year in which the additional employee was hired and shall be conditioned on the continued employment by the taxpayer of the number of full-time employees the taxpayer had

upon hiring the employee that caused the taxpayer to qualify for the credit. If, in one of the four years in which the installment of a credit accrues, the number of the taxpayer's full-time employees falls below the number of full-time employees the taxpayer had in the year in which the taxpayer qualified for the credit or the position filled by the employee is moved to another county, the credit expires and the taxpayer may not take any remaining installment of the credit. The taxpayer may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under subsection (e) of this section.

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

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

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

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

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

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

(d) Planned Expansion. – A person who, during the year in which a county is designated as a severely distressed county, signs a letter of commitment with the Department of ~~Economic and Community Development~~ Commerce to create at least twenty new full-time jobs in that distressed county within two years of the date the letter is signed qualifies for the credit allowed by this section even though the employees are not hired that year. The credit shall be available in the income year after at least twenty

employees have been hired if such hirings are within the two-year commitment period. The conditions outlined in subsection (a) apply to a credit taken under this subsection, except that if the county is no longer designated a severely distressed county after the year the letter of commitment was signed, the credit is still available. If the taxpayer does not hire the employees within the two-year period, he does not qualify for the credit. However, if the taxpayer qualifies for a credit under subsection (a) in the year any new employees are hired, he may take the credit under that subsection.

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

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

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

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

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

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

"(d) The Secretary of ~~Economic and Community Development~~ Commerce is authorized to appoint such number of employees of the Authority as he may think proper as special policemen, who, when so appointed, shall have within the jurisdiction of the Authority all the powers of policemen of incorporated towns. Special policemen may arrest persons who violate State law or a rule adopted by the Authority. Employees

appointed as such special policemen shall take the general oath of office prescribed by G.S. 11-11."

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

**"§ 113-315.26. Personnel.**

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

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

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

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

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

- (1) Two individuals designated by the Secretary from among the employees of his Department;
- (1a) The Secretary of the Department of ~~Economic and Community Development~~ Commerce or his designee;
- (2) The Secretary of the Department of Administration or his designee;
- (3) The Secretary of the Department of Transportation and Highway Safety or his designee, and one additional member selected by him from his Department;
- (4) The State Health Director;
- (5) The Commissioner of Agriculture or his designee;
- (6) The Secretary of the Department of Cultural Resources or his designee;
- (7) One member from each of the four multi-county planning districts of the coastal area to be appointed by the lead regional agency of each district;
- (8) One representative from each of the counties in the coastal area to be designated by the respective boards of county commissioners;
- (9) No more than eight additional members representative of cities in the coastal area and to be designated by the Commission;
- (10) Three members selected by the Commission who are marine scientists or technologists;

- (11) One member who is a local health director selected by the Commission upon the recommendation of the Secretary."

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

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

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

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

**"§ 113B-11. Powers and authority.**

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

(b) To assure the adequate development of relevant energy information, as provided in G.S. 113B-10, the Council may require all energy producers and major energy consumers, as determined by the Council, to file such reports and forecasts and at such dates as the Council may request; provided, however, that the Council may request only specific energy-related information which it deems necessary to carry out its duties as defined in Articles 1 and 2 of this Chapter.

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

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

(e) The Energy Division of the Department of ~~Economic and Community Development~~ Commerce shall provide the staffing capability to the Energy Policy Council so as to fully and effectively develop recommendations for a comprehensive State energy policy as contained in the provisions of this Article. The Utilities

Commission is hereby authorized to make its staff available to the Council to assist in the development of a State energy policy."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Potential markets for composted materials, including private and public sector markets;

- (2) The types of materials which may legally and effectively be used in a successful composting operation; and
  - (3) The manner in which the composted materials should be marketed for optimum use.
- (f) (1) All State agencies, including the Department of Transportation and the Department of Administration, and units of local government are required to procure compost products when they can be substituted for, and cost no more than, regular soil amendment products, provided the compost products meet all applicable engineering and environmental quality standards, specifications, and rules. This product preference shall apply to, but not be limited to, highway construction and maintenance projects, highway planting and beautification projects, recultivation and erosion control programs, and other projects.
- (2) The Department of Transportation shall, consistent with economic feasibility and applicable engineering and environmental quality standards, use scrap tires, demolition debris, and untreated, stabilized, or encapsulated ash from boilers and incinerators in highway construction and maintenance projects.

(g) The Department of Public Instruction, with the assistance of the Department and The University of North Carolina, shall develop, distribute, and encourage the use of guidelines for the collection of recyclable materials and for solid waste reduction in the State system of education. At a minimum, the guidelines shall address solid waste generated in administrative offices, classrooms, dormitories, and cafeterias. The guidelines shall be developed by 1 January 1991.

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

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

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

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

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



- (2) The Commission shall continue until its existence shall be terminated by law. Upon the termination of the existence of the Commission, all of its rights and properties shall pass to and be vested in the State.
- (3) The Department of ~~Economic and Community Development~~ Commerce and the Department of Administration shall provide such technical, clerical, and other support services and personnel as the Commission may require in the performance of its functions. The Commission shall reimburse the Departments for such services from its revenues or from other funding sources."

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Department of Cultural Resources
- (2) Department of Human Resources
- (3) Department of Revenue
- (4) Department of Crime Control and Public Safety
- (5) Department of Correction
- (6) Department of Environment, Health, and Natural Resources
- (7) Department of Transportation
- (8) Department of Administration

(9) Department of ~~Economic and Community Development~~ Commerce."  
Sec. 38. G.S. 143B-6 reads as rewritten:

**"§ 143B-6. Principal departments.**

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

- (1) Department of Cultural Resources
- (2) Department of Human Resources
- (3) Department of Revenue
- (4) Department of Crime Control and Public Safety
- (5) Department of Correction
- (6) Department of Environment, Health, and Natural Resources
- (7) Department of Transportation
- (8) Department of Administration
- (9) Department of ~~Economic and Community Development~~ Commerce
- (10) Department of Community Colleges."

Sec. 39. G.S. 143B-74 reads as rewritten:

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

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

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

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

A majority of the Commission shall constitute a quorum for the transaction of business. The Governor shall designate from among the members of the Commission a chairman, vice-chairman and treasurer. The Secretary of Cultural Resources or his designee shall serve as Secretary of the Commission. The Commission shall meet at

least twice annually upon the call of the chairman, the Secretary of Cultural Resources, or any seven members of the Commission."

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

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

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

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

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

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

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

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

- (1) To determine the number of student interns to be allocated to each of the following offices or departments:
  - a. Office of the Governor
  - b. Department of Administration
  - c. Department of Correction
  - d. Department of Cultural Resources
  - e. Department of Revenue
  - f. Department of Transportation
  - g. Department of Environment, Health, and Natural Resources
  - h. Department of ~~Economic and Community Development~~ Commerce
  - i. Department of Crime Control and Public Safety
  - j. Department of Human Resources
  - k. Office of the Lieutenant Governor
  - l. Office of the Secretary of State
  - m. Office of the State Auditor
  - n. Office of the State Treasurer
  - o. Department of Public Education
  - p. Repealed by Session Laws 1985, c. 757, s. 162, effective July 1, 1985
  - q. Department of Agriculture

- r. Department of Labor
  - s. Department of Insurance
  - t. Office of the Speaker of the House of Representatives
  - u. Justices of the Supreme Court and Judges of the Court of Appeals
  - v. Department of Community Colleges
  - w. Office of State Personnel
  - x. Office of the Senate President Pro Tempore;
- (2) To screen applications for student internships and select from these applications the recipients of student internships; and
  - (3) To determine the appropriateness of proposals for projects for student interns submitted by the offices and departments enumerated in (1)."

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

"(a) Creation; Membership. – The Governor's Management Council is created in the Department of Administration. The Council shall contain the following members: The Secretary of Administration, who shall serve as chairman, a senior staff officer responsible for productivity and management programs from the Departments of ~~Economic and Community Development, Commerce~~, Revenue, Environment, Health, and Natural Resources, Transportation, Crime Control and Public Safety, Cultural Resources, Correction, Human Resources, and Administration; and an equivalent officer from the Offices of State Personnel, State Budget and Management, and the Governor's Program for Executive and Organizational Development. The following persons may also serve on the Council if the entity represented chooses to participate: a senior staff officer responsible for productivity and management programs from any State department not previously specified in this section, and a representative from The University of North Carolina."

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

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

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

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

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

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

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

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

It shall be the duty of the Department of ~~Economic and Community Development~~Commerce to provide for and promote the implementation of the declared policy of the State of North Carolina as provided in G.S. 143B-428, to promote and assist in the total

economic development of North Carolina in accord with such declared policy and to perform such other duties and functions as are conferred by this Chapter, delegated or assigned by the Governor and conferred by the Constitution and laws of this State."

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

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

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

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

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

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

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

- (1) All of the executive functions of the State in relation to economic development including by way of enumeration and not of limitation, the expansion and recruitment of environmentally sound industry, labor force development, the promotion of and assistance in the orderly development of North Carolina counties and communities, the promotion and growth of the travel and tourism industries, the development of our State's ports, energy resource management and energy policy development;
- (2) All functions, powers, duties and obligations heretofore vested in an agency enumerated in Article 15 of Chapter 143A, to wit:
  - a. The State Board of Alcoholic Control,
  - b. The North Carolina Utilities Commission,
  - c. The Employment Security Commission,
  - d. The North Carolina Industrial Commission,
  - e. State Banking Commission and the Commissioner of Banks,

- f. Savings and Loan Association Division,
  - g. The State Savings Institutions Commission,
  - h. Credit Union Commission,
  - i. The North Carolina Milk Commission,
  - j. The North Carolina Mutual Burial Association Commission,
  - k. The North Carolina Rural Electrification Authority,
  - l. The North Carolina State Ports Authority, all of which enumerated agencies are hereby expressly transferred by a Type II transfer, as defined by G.S. 143A-6, to this recreated and reconstituted Department of ~~Economic and Community Development~~; Commerce; and,
- (3) All other functions, powers, duties and obligations as are conferred by this Chapter, delegated or assigned by the Governor and conferred by the Constitution and laws of this State. Any agency transferred to the Department of ~~Economic and Community Development~~ Commerce by a Type II transfer, as defined by G.S. 143A-6, shall have the authority to employ, direct and supervise professional and technical personnel, and such agencies shall not be accountable to the Secretary of ~~Economic and Community Development~~ Commerce in their exercise of quasi-judicial powers authorized by statute, notwithstanding any other provisions of this Chapter, provided that the authority of the North Carolina State Ports Authority to employ, direct and supervise personnel shall be as provided in Part 10 of this Article.

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

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

- (1) To provide planning assistance to municipalities and counties and joint and regional planning boards established by two or more governmental units in the solution of their local planning problems. Planning assistance as used in this section shall consist of making population, economic, land use, traffic, and parking studies and developing plans based thereon to guide public and private development and other planning work of a similar nature. Planning assistance shall also include the preparation of proposed subdivision regulations, zoning ordinances, capital budgets, and similar measures that may be recommended for the implementation of such plans. The term planning assistance shall not be construed to include the providing of plans for specific public works.
- (2) To receive and expend federal and other funds for planning assistance to municipalities and counties and to joint and regional planning

boards, and to enter into contracts with the federal government, municipalities, counties, or joint and regional planning boards with reference thereto.

- (3) To perform planning assistance, either through the staff of the Department or through acceptable contractual arrangements with other qualified State agencies or institutions, local planning agencies, or with private professional organizations or individuals.
- (4) To assume full responsibility for the proper execution of a planning program for which a grant of State or federal funds has been made and for carrying out the terms of a federal grant contract.
- (5) To cooperate with municipal, county, joint and regional planning boards, and federal agencies for the purpose of aiding and encouraging an orderly, coordinated development of the State.
- (6) To establish and conduct, either with its own staff or through contractual arrangements with institutions of higher education, State agencies, or private agencies, training programs for those employed or to be employed in community development activities.

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

- (1) To negotiate, collect, and pay reasonable fees and charges regarding the making or servicing of grants, loans, or other evidences of indebtedness.
- (2) To establish and revise by regulation, in accordance with Chapter 150B of the General Statutes, schedules of reasonable rates, fees, or charges for services rendered, including but not limited to, reasonable fees or charges for servicing applications. Schedules of rates, fees, or charges may vary according to classes of service, and different schedules may be adopted for public entities, nonprofit entities, private for-profit entities, and individuals."

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

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

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

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

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

(a) The Division of Economic Development of the Department of Natural and Economic Resources, the Science and Technology Committee of the Department of



Natural and Economic Resources, the Science and Technology Research Center of the Department of Natural and Economic Resources, and the North Carolina National Park, Parkway and Forests Development Council of the Department of Natural and Economic Resources are each hereby transferred to the Department of ~~Economic and Community Development~~ Commerce by a Type I transfer, as defined in G.S. 143A-6.

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

- (1) Community Assistance Division.
- (2) Employment and Training Division.

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

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

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

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

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

- (a)
  - (1) The North Carolina Alcoholic Beverage Control Commission,
  - (2) The North Carolina Utilities Commission,
  - (3) The Employment Security Commission,
  - (4) The North Carolina Industrial Commission,
  - (5) State Banking Commission,
  - (6) Savings and Loan Association Division,
  - (7) The State Savings Institutions Commission,
  - (8) Credit Union Commission,
  - (9) The North Carolina Milk Commission,
  - (10) The North Carolina Mutual Burial Association Commission,
  - (11) North Carolina Cemetery Commission,
  - (12) The North Carolina Rural Electrification Authority,
  - (13) Repealed by Session Laws 1985, c. 757, s. 179(d),
  - (14) North Carolina Science and Technology Research Center,
  - (15) The North Carolina State Ports Authority,
  - (16) North Carolina National Park, Parkway and Forests Development Council,
  - (17) Economic Development Board,
  - (18) Labor Force Development Council,
  - (19) Energy Policy Council,
  - (20) Energy Division,

- (21) Navigation and Pilotage Commissions established by Chapter 76 of the General Statutes,
  - (22) The North Carolina Technological Development Authority.
  - (b) Those agencies which are transferred to the Department of ~~Economic and Community Development~~, Commerce including the:
    - (1) Community Assistance Division,
    - (2) Community Development Council,
    - (3) Employment and Training Division, and
    - (4) Job Training Coordinating Council; and
  - (c) Such divisions as may be established pursuant to Article 1 of this Chapter."
- Sec. 53. G.S. 143B-433.1(a) reads as rewritten:

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

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

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

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

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

- (b) The function and duties of the Board shall be:
  - (1) To advise the Secretary of ~~Economic and Community Development~~ Commerce in the formulation of policy and priorities for the promotion and development of travel and tourism in the State.

- (2) To advise the Secretary of ~~Economic and Community Development~~ Commerce in the development of a budget for the Division of Travel and Tourism.
  - (3) To recommend programs to the Secretary of ~~Economic and Community Development~~ Commerce that will promote the State as a travel and tourism destination and that will develop travel and tourism opportunities throughout the State.
  - (4) To advise the Secretary of ~~Economic and Community Development~~ Commerce every three months as to the effectiveness of agencies with which the Department has contracted for advertising and regarding the selection of an advertising agency that will assist the Department in the promotion of the State as a travel and tourism destination.
  - (5) To name a three-member subcommittee, with one member from each of the eastern, central, and western regions of the State, to make recommendations to the Secretary of ~~Economic and Community Development~~ Commerce regarding any revisions in the matching funds tourism grants program, project applications, and criteria for projects that qualify for participation in the program.
  - (6) To advise the Secretary of ~~Economic and Community Development~~ Commerce from time to time as to the effectiveness of the overall operations of the Division of Travel and Tourism.
  - (7) To promote the exchange of ideas and information on travel and tourism between State and local governmental agencies, and private organizations and individuals.
  - (8) To advise the Secretary of ~~Economic and Community Development~~ Commerce upon any matter that the Secretary, Governor, or Director of the Division of Travel and Tourism may refer to it.
- (c) The Board shall consist of 25 members as follows:
- (1) The Secretary of ~~Economic and Community Development, Commerce,~~ Commerce, who shall not be a voting member.
  - (2) The Director of the Division of Travel and Tourism, who shall not be a voting member.
  - (3) Two members designated by the Board of Directors of the North Carolina Hotel and Motel Association.
  - (4) Two members designated by the Board of Directors of the North Carolina Restaurant Association.
  - (5) Three Directors of Convention and Visitor Bureaus designated by the Board of Directors of the North Carolina Association of Convention and Visitor Bureaus.
  - (6) The Chairperson of the Travel and Tourism Coalition.
  - (7) The President of the Travel Council of North Carolina.
  - (8) A member designated by the Board of Directors of the Travel Council of North Carolina.
  - (9) The President of North Carolina Citizens for Business and Industry.

- (10) One member designated by the North Carolina Petroleum Marketers Association.
- (11) One person associated with tourism attractions in North Carolina, appointed by the General Assembly, upon recommendation of the Speaker of the House of Representatives.
- (12) One person associated with the tourism-related transportation industry, appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate.
- (13) Four public members each interested in matters relating to travel and tourism, two appointed by the Governor (one from a rural area and one from an urban area), one appointed by the General Assembly upon recommendation of the Speaker of the House, and one appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate.
- (14) One member associated with the major cultural resources and activities of the State in North Carolina, appointed by the Governor.
- (15) Two members of the House of Representatives, appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives.
- (16) Two members of the Senate, appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate.

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

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

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

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

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

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

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

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

**"§ 143B-435. Publications.**

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

(1) State funds as other public documents; or

(2) Private funds received:

a. As donations, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The funds shall be used for (i) installation of or purchases of manufacturing equipment or process productions equipment, (ii) structural repairs, improvements, or renovations of existing buildings to be used for manufacturing and industrial expansion, (iii) construction of or improvements to new or existing water, sewer, gas, or electrical utility distribution lines or equipment for existing industrial buildings to be used for manufacturing and industrial operations, or (iv) in the case of counties designated as severely distressed counties under G.S. 105-130.40(c) or G.S. 105-151.17(c) or units of local government within those counties, construction of or improvement to new or existing water, sewer, gas, or electrical utility distribution lines or equipment to serve new or proposed industrial buildings to be used for manufacturing and industrial operations. To

be eligible for funding, the water, sewer, gas, or electrical utility lines or facilities shall be located on the site of the building or, if not located on the site, shall be directly related to the operation of the specific manufacturing activity. However, the Secretary of ~~Economic and Community Development~~ Commerce may use up to one hundred thousand dollars (\$100,000) to provide emergency economic development assistance in any county which is documented to be experiencing a major economic dislocation.

- (2) The funds shall be used by the city and county governments for projects that will directly result in the creation of new jobs. The funds shall be expended at a rate of one thousand two hundred dollars (\$1,200) per new job created up to a maximum of two hundred fifty thousand dollars (\$250,000) per project.

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

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

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

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

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

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

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

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

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

(d) The initial staffing level of the Council and the level of funding support required shall be determined by the Secretary of ~~Economic and Community~~

~~Development-Commerce.~~ However, the staffing level shall not exceed 10 personnel as may be necessary to carry out its functions under this Part and the Job Training Partnership Act.

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

- (1) Overseeing the meeting of the State's goals for employment and training.
- (2) Reviewing the plans and programs of agencies operating federally funded programs related to employment and training and of other agencies providing employment and training-related services in the State that may be funded with State funds.
- (3) Conducting studies, preparing reports and analyses, including an annual published report to the Governor and General Assembly, and providing such advisory services as may be authorized or directed by the Governor.
- (4) Recommending the allocation of Job Training Partnership Act funds not subject to the seventy-eight percent (78%) that flows directly to service delivery areas.
- (5) Recommending program goals to insure job training for unskilled youth and adults is a matter of the highest priority and encouraging Service Delivery Areas (SDA's) to reflect these goals in their SDA plans.
- (6) Developing a long term tracking system to measure the effectiveness of the Job Training Partnership Act with respect to permanent job placements.
- (7) Insuring compliance with the provisions of Sections 122(b)(7) A and B and 122(b)(8) of the Job Training Partnership Act no later than May 30 of every year, requiring the following:
  - a. The identification of, in coordination with the appropriate State agencies, the employment, training, and vocation education needs throughout the State;
  - b. An assessment of the extent to which employment and training, vocation education, rehabilitation services, public assistance, economic development, and other federal, State, and local programs and services represent a consistent, integrated, and coordinated approach to meeting these needs;
  - c. Comments on reports required by Sections 105(d)(3) of the Vocational Education Act of 1963 and appropriate recommendations to the Governor and General Assembly.
- (8) Annually measuring, to the extent practicable, the increase in employment and earnings and the reductions in welfare dependency by SDA resulting from participating in the Job Training Partnership Act program and reporting those findings to the Governor and General Assembly.



- (9) Annually reporting to the Governor and General Assembly on funds expended by each SDA for job training services.
- (10) Providing management guidance and review of all State administered employment and training programs and encouraging compliance by the SDA's with the goals and purposes outlined by the General Assembly, the Governor, and the State Council.
- (11) Repealed by Session Laws 1989, c. 532, s. 2.
- (12) Obtaining other information from recipients of Job Training Partnership Act funds, as requested by the Governor and General Assembly.
- (13) Overseeing the responsibilities required in the Economic Dislocation and Worker Adjustment Assistance Act (EDWAAA), including the following:
  - a. Advising the Governor on designation of sub-State areas and sub-State grantees and on the procedure for selecting Private Industry Council (PIC) and Local Employment Organizations (LEO) representatives within sub-State areas relative to grantee designation;
  - b. Advising the Governor on developing formulas for distributing funds among sub-State areas and formulas for reallocating unexpended funds;
  - c. Reviewing and commenting to the Governor on State and sub-State EDWAAA programs;
  - d. Reviewing and submitting comments on the State plan prior to submission to the Secretary and on each sub-State plan; and
  - e. Advising the Governor on the establishment and application of performance standards.
- (f) The State Job Training Coordinating Council:
  - (1) Shall be appointed by the Governor in a manner consistent with Section 122 of Public Law 97-300.
  - (2) Shall meet at the call of the chairman. A majority of the Council shall constitute a quorum for the transaction of business. Members shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5, 138-6 or 120-3.1, as the case may be.
  - (3) Repealed by Session Laws 1989, c. 532, s. 2.
  - (4) May create such committees as may be necessary to the proper conduct of its business. The Governor may establish such additional advisory bodies, in accordance with existing law, related to employment and training as may be necessary and appropriate to the conduct of federally supported employment and training-related programs."

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

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

(a) There is established in the Department of ~~Economic and Community Development, Commerce,~~ Division of Employment and Training, an Employment and Training Grant Program. The purpose of the program is to make grants available to local agencies operating on behalf of the Private Industry Council serving Job Training Partnership Act service delivery areas. Grant funds shall be allocated for the purpose of enabling recipient agencies to implement local employment and training programs in accordance with existing resources, local needs, local goals, and selected training occupations. The Department shall adopt rules in accordance with Chapter 150B of the General Statutes for administering the Employment and Training Grant Program, which rules shall include procedures for review and approval of grant applications by local agencies and for monitoring use of grant funds by recipient agencies. A State-administered program of performance standards shall be used to measure grant program outcomes.

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

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

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

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

a. For counties classified as having excess unemployment, the excess number of unemployed is determined by subtracting four and one-half percent (4.5%) of the civilian labor force from the

number of unemployed individuals within the county. The difference equals the number of excess unemployed.

- b. In situations where the entire county is not classified as having excess unemployment, the excess number of unemployed is determined by census tract unemployment within the county. Census tract data is used to determine which subcounty areas qualify as areas of excess unemployment. In those subcounty areas classified as having excess unemployment (census tracts with four and one-half percent (4.5%) or higher unemployment rates), four and one-half percent (4.5%) of the census tract labor force is subtracted from the number of unemployed individuals within the area of excess unemployment. The subcounty figures of excess number of unemployed within the county are then added together to determine the total excess number of unemployed within the county.

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

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

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

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

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

(a) There shall be created in the Department of ~~Economic and Community Development-Commerce~~ a Credit Union Commission which shall consist of seven members. The members of the Credit Union Commission shall elect one of its members to serve as chairman of the Commission to serve for a term to be specified by the Commission. On the initial Commission three members shall be appointed by the Governor for terms of two years and three members shall be appointed by the Governor for terms of four years. Thereafter all members of the Commission shall be appointed by the Governor for terms of four years. The Governor shall appoint the seventh

member for the same term and in the same manner as the other six members are appointed. In the event of a vacancy on the Commission the Governor shall appoint a successor to serve for the remainder of the term. Three members of the Commission shall be persons who have had three years' or more experience as a credit union director or in management of state-chartered credit unions. At least four members shall be appointed as representatives of the borrowing public and may be members of a credit union but shall not be employees of, or directors of any financial institution or have any interest in any financial institution other than as a result of being a depositor or borrower. No two persons on the Commission shall be residents of the same senatorial district. No person on the Commission shall be on a board of directors or employed by another type of financial institution. The Commission shall meet at least every six months, or more often upon the call of the chairman of the Credit Union Commission or any three members of the Commission. A majority of the members of the Commission shall constitute a quorum. The members of the Commission shall be reimbursed for expenses incurred in the performance of their duties under this Chapter as prescribed in G.S. 138-5. In the event that the composition of the Commission on April 30, 1979, does not conform to that prescribed in the preceding sentences, such composition shall be corrected thereafter by appropriate appointments as terms expire and as vacancies occur in the Commission; provided that no person shall serve on the Commission for more than two complete consecutive terms.

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

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

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

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

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

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

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

**"§ 143B-448. Energy Division.**

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

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

**"§ 143B-449. Organization.**

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

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

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

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

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

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

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

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

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

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

The Board of Commissioners of Navigation and Pilotage for the Cape Fear River as provided for by G.S. 76-1, and the Board of Commissioners of Navigation and Pilotage for Old Topsail Inlet and Beaufort Bar as provided for by G.S. 76-59 are hereby transferred to the Department of ~~Economic and Community Development~~. Commerce. All powers, duties and authority of the Board of Commissioners of Navigation and Pilotage for the Cape Fear River and Bar and the Board of Commissioners of Navigation and Pilotage for Old Topsail Inlet and Beaufort Bar, as provided for in Chapter 76 of the General Statutes, shall continue to vest in the boards, as now provided by statute, independently of the direction, supervision, and control of the Secretary of ~~Economic and Community Development~~. Commerce. The commissions shall report their activity to the Governor through the Secretary of ~~Economic and Community Development~~. Commerce. The appointment to the boards shall continue to be made in the manner as provided by Chapter 76 of the General Statutes."

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

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

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

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

To stagger further the terms of members:

- (1) Of the members appointed by the Governor to replace the members whose terms expire on July 1, 1991, one member shall be appointed to a term of five years, to expire on June 30, 1996; the other member shall be appointed for a term of six years, to expire on June 30, 1997;
- (2) Of the members appointed by the Governor to replace the members whose terms expire on July 1, 1993, one member shall be appointed to a term of five years, to expire on June 30, 1998; the other member shall be appointed to a term of six years, to expire on June 30, 1999;

- (3) Of those members appointed by the Governor to replace the members whose terms expire on July 1, 1995, one member shall be appointed to a term of five years, to expire on June 30, 2000; the other member shall be appointed to a term of six years, to expire on June 30, 2001.

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

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

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

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

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

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

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

The Authority shall meet once in each 60 days at such regular meeting time as the Authority by rule may provide and at any place within the State as the Authority may provide, and shall also meet upon the call of its chairman or a majority of its members. A majority of its members shall constitute a quorum for the transaction of business. The members of the Authority shall not be entitled to compensation for their services, but

they shall receive per diem and necessary travel and subsistence expense in accordance with G.S. 138-5."

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

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

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

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

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

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

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

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



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

The application shall list:

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

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

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

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

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

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

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

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

- (g) (1) A city that has been selected to receive a grant plus any loans shall use the full amount of the grant plus any loans for the activities that were approved pursuant to subsection (d) of this section. Moneys are deemed used if the city is legally committed to spend the moneys on the approved activities.
- (2) If a city has received approval to use the grant plus any loans for public improvements or public infrastructure, that city shall be required to raise, before moneys for these public improvements may be drawn from the city's account, local public funds to match the amount of the grant plus any loans from the Main Street Financial Incentive Fund on the basis of at least one local public dollar (\$1.00) for every one dollar (\$1.00) from the Main Street Financial Incentive Fund. This match requirement applies only to those moneys received for public improvements or public infrastructure and is in addition to the requirement set forth in subdivision (1) of this subsection.
- (3) A city that fails to satisfy the condition set forth in subdivision (1) of this subsection shall lose any moneys that have not been used within three years of being selected. These unused moneys shall be credited to the Main Street Financial Incentive Fund. A city that fails to satisfy the conditions set forth in subdivisions (1) and (2) of this subsection may file a new application.
- (4) Any moneys repaid or credited to the Main Street Financial Incentive Fund pursuant to subdivision (3) of this subsection shall be available to other applicants as long as the Main Street Financial Incentive Fund is in effect.

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

- (1) The agreement to use this source of funds to make repayment or the covenant to generate these revenues does not constitute a pledge of the city's taxing power; and
- (2) The repayment agreement specifically identifies the source of funds to be pledged.

(i) After a project financed in whole or in part pursuant to this section has been completed, the city shall report the actual cost of the project to the Department of

~~Economic and Community Development~~ Commerce. If the actual cost of the project exceeds the projected cost upon which the grant plus any loans were based, the city may submit an application to the Department of ~~Economic and Community Development~~ Commerce for a grant or loans for the difference. If the actual cost of the project is less than the projected cost, the city shall arrange to pay the difference to the Main Street Financial Incentive Fund according to terms set by the Department.

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

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

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

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

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

- (1) The total amount of private funds that were committed and the amount that were invested in the designated downtown area during the preceding fiscal year;
- (2) The total amount of local public matching funds that were raised, if required by subdivision (g)(2) of this section;
- (3) The total amount of grant plus any loans received from the Main Street Financial Incentive Fund during the preceding fiscal year;
- (4) The total amount of loan moneys repaid to the Main Street Financial Incentive Fund during the preceding fiscal year;
- (5) A description of how the grant and loan moneys and funds from private investors were used during the preceding fiscal year;
- (6) Details regarding the types of private investment created or stimulated, the dates of this activity, the amount of public money involved, and

any other pertinent information, including any jobs created, businesses started, and number of jobs retained due to the approved activities."

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

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

- (1) The National Guard, Department of Military and Veterans Affairs;
- (2) Civil Preparedness, Department of Military and Veterans Affairs;
- (3) State Civil Air Patrol, Department of Military and Veterans Affairs;
- (4) State Highway Patrol, Department of Transportation;
- (5) State Board of Alcoholic Control Enforcement Division, Department of ~~Economic and Community Development~~; Commerce;
- (6) Governor's Crime Commission, Department of Natural and Economic Resources;
- (7) Crime Control Division, Department of Natural and Economic Resources;
- (8) Criminal Justice Information System Board, Department of Natural and Economic Resources; and
- (9) Criminal Justice Information System Security and Privacy Board, Department of Natural and Economic Resources."

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

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

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

Agency or Institution	Session Laws	Assembly Journals
Governor, Office of the	3	2
Lieutenant Governor, Office of the	1	1
Secretary of State, Department of the	3	3
Auditor, Department of the State	3	1
Treasurer, Department of the State	3	1
Local Government Commission	2	0
Public Education, Department of	1	0
Superintendent of Public Instruction	3	1
Controller	1	0
Division of Community Colleges	3	1
Regional Service Centers	1 ea.	0
Justice, Department of		
Office of the Attorney General	25	3
Budget Bureau (Administration)	1	0
Property Control (Administration)	1	1

State Bureau of Investigation	1	0
Agriculture, Department of	3	1
Labor, Department of	5	1
Insurance, Department of	5	1
Administration, Department of	1	1
Budget Bureau	2	1
Controller	1	0
Property Control	1	0
Purchase and Contract	2	0
Policy and Development	1	0
Veterans Affairs Commission	1	0
Environment, Health, and Natural		
Resources, Department of	1	0
Division of Environmental Management	2	0
Board of Environment, Health, and		
Natural Resources	1	0
Soil and Water Conservation Commission	1	0
Wildlife Resources Commission	2	0
Revenue, Department of	5	1
Human Resources, Department of	3	0
Board of Human Resources	1	0
Health Services, Division of	3	0
Mental Health, <del>Mental Retardation</del>		
<del>{Developmental Disabilities},</del>		
<u>Developmental Disabilities, and</u>		
Substance Abuse Services,		
Division of	1	0
Social Services, Division of	3	0
Facilities Services, Division of	1	0
Youth Services, Division of	1	0
Hospitals and Institutions	1 ea.	0
Transportation, Department of	1	0
Board of Transportation	3	0
Motor Vehicles, Division of	1	0
<del>Economic and Community Development, Commerce, Department of</del>		1 0
Economic Development, Division of	2	0
State Ports Authority	1	0
Alcoholic Beverage Control Commission, North Carolina	2	0
Banking Commission	2	0
Utilities Commission	8	1
Industrial Commission	7	0
Labor Force Development Council	1	0
Milk Commission	5	0
Employment Security Commission	1	1

Correction, Department of	1	0
Department of Correction	2	0
Parole Commission	2	0
State Prison	1	0
Correctional Institutions	1 ea.	0
Cultural Resources, Department of	1	0
Archives and History, Division of	5	1
State Library	5	5
Publications Division	1	1
Crime Control and Public Safety, Department of	2	1
North Carolina Crime Commission	1	0
Adjutant General	2	0
Elections, State Board of	2	0
Office of Administrative Hearings	2	0
Legislative Branch		
State Senators	1 ea.	1 ea.
State Representatives	1 ea.	1 ea.
Principal Clerk – Senate	1	1
Principal Clerk – House	1	1
Reading Clerk – Senate	1	1
Reading Clerk – House	1	1
Sergeant at Arms – House	1	1
Sergeant at Arms – Senate	1	1
Enrolling Clerk	1	0
Engrossing Clerk	1	0
Indexer of the Laws	1	0
Legislative Building Library	35	15
Judicial System		
Justices of the Supreme Court	1 ea.	1 ea.
Judges of the Court of Appeals	1 ea.	1 ea.
Judges of the Superior Court	1 ea.	0
Emergency and Special Judges of the Superior Court	1 ea.	0
District Court Judges	1 ea.	0
District Attorneys	1 ea.	0
Clerk of the Supreme Court	1	1
Clerk of the Court of Appeals	1	1
Administrative Office of the Courts	4	1
Supreme Court Library	AS MANY AS REQUESTED	
Colleges and Universities		
The University North Carolina System		
Administrative Offices	3	0
University of North Carolina, Chapel Hill	65	25
University of North Carolina, Charlotte	3	1
University of North Carolina, Greensboro	3	1

University of North Carolina, Asheville	2	1
University of North Carolina, Wilmington	2	1
North Carolina State University, Raleigh	5	3
Appalachian State University	2	1
East Carolina University	3	2
Elizabeth City State University	2	1
Fayetteville State University	2	1
North Carolina Agricultural and Technical University	2	1
North Carolina Central University	5	5
Western Carolina University	2	1
Pembroke State University	2	1
Winston-Salem State University	2	1
North Carolina School of the Arts	1	1
Private Institutions		
Duke University	6	6
Davidson College	3	2
Wake Forest University	5	5
Lenoir Rhyne College	1	1
Elon College	1	1
Guilford College	1	1
Campbell College	5	5
Wingate College	1	1
Pfeiffer College	1	1
Barber Scotia College	1	1
Atlantic Christian College	1	1
Shaw University	1	1
St. Augustine's College	1	1
J.C. Smith University	1	1
Belmont Abbey College	1	1
Bennett College	1	1
Catawba College	1	1
Gardner-Webb College	1	1
Greensboro College	1	1
High Point College	1	1
Livingstone College	1	1
Mars Hill College	1	1
Meredith College	1	1
Methodist College	1	1
North Carolina Wesleyan College	1	1
Queens College	1	1
Sacred Heart College	1	1
St. Andrews Presbyterian College	1	1
Salem College	1	1

Warren Wilson College	1	1
County and Local Officials		
Clerks of the Superior Court	1 ea.	1 ea.
Register of Deeds	1 ea.	1 ea.
Federal, Out-of-State and Foreign		
Secretary to the President	1	0
Secretary of State	1	1
Secretary of Defense	1	0
Secretary of Agriculture	1	0
Secretary of the Interior	1	0
Secretary of Labor	1	1
Secretary of Commerce	1	1
Secretary of the Treasury	1	0
Secretary of Health, Education and Welfare	1	0
Secretary of Housing and Urban Development	1	0
Secretary of Transportation	1	0
Attorney General	1	0
Postmaster General	1	0
Bureau of Census	1	0
Bureau of Public Roads	1	0
Department of Justice	1	0
Department of Internal Revenue	1	0
Veterans' Administration	1	0
Farm Credit Administration	1	0
Securities and Exchange Commission	1	0
Social Security Board	1	0
Environmental Protection Agency	1	0
Library of Congress	8	2
Federal Judges resident in North Carolina	1 ea.	0
Federal District Attorneys resident in North Carolina	1 ea.	0
Marshal of the United States Supreme Court	1	0
Federal Clerks of Court resident in North Carolina	1 ea.	0
Supreme Court Library exchange list	1 ea.	0

One copy of the Session Laws shall be furnished the head of any department of State government created in the future.

State agencies, institutions, etc., not found in or covered by this list may, upon written request from their respective department head to the Secretary of State, and upon the discretion of the Secretary of State as to need, be issued copies of the Session Laws on a permanent loan basis with the understanding that should said copies be needed they will be recalled."

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



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

- (1) Obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States;
- (2) Obligations of the Federal Financing Bank, the Federal Farm Credit Bank, the Bank for Cooperatives, the Federal Intermediate Credit Bank, the Federal Land Banks, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Housing Administration, the Farmers Home Administration, the United States Postal Service, the Export-Import Bank, the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the African Development Bank, and the Student Loan Marketing Association.
- (3) Repurchase Agreements with respect to securities issued or guaranteed by the United States government or its agencies or other securities eligible for investment by this section executed by a bank or trust company or by primary or other reporting dealers to the Federal Reserve Bank of New York.
- (4) Obligations of the State of North Carolina;
- (5)
  - a. Savings certificates issued by any savings and loan association organized under the laws of the State of North Carolina or by any federal savings and loan association having its principal office in North Carolina; provided that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Administrator of the Savings Institutions Division of the Department of ~~Economic and Community Development~~ Commerce of the State of North Carolina, be fully collateralized;
  - b. Certificates of deposit issued by banks organized under the laws of the State of North Carolina, or by any national bank having its principal office in North Carolina; provided that any principal amount of such certificate in excess of the amount insured by the federal government or any agency thereof, be fully collateralized;
  - c. With respect to savings certificates and certificates of deposit, the rate of return or investment yield may not be less than that available in the market on United States government or agency obligations of comparable maturity;
  - d. Shares of or deposits in any savings and loan association organized under the laws of the State of North Carolina, or any

federal savings and loan association having its principal office in North Carolina; provided that any moneys invested in such shares or deposits in excess of the amount insured by the federal government or any agency thereof, or by a mutual deposit guaranty association authorized by the Administrator of the Savings Institutions Division of the Department of ~~Economic and Community Development~~ Commerce of the State of North Carolina, be fully secured by surety bonds, or be fully collateralized.

- e. Prime quality commercial paper bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligation.
  - f. Bills of exchange or time drafts drawn on and accepted by a commercial bank and eligible for use as collateral by member banks in borrowing from a federal reserve bank, provided that the accepting bank or its holding company is either (i) incorporated in the State of North Carolina or (ii) has outstanding publicly held obligations bearing the highest rating of at least one nationally recognized rating service and not bearing a rating below the highest by any nationally recognized rating service which rates the particular obligations.
  - g. Asset-backed securities (whether considered debt or equity) provided they bear the highest rating of at least one nationally recognized rating service and do not bear a rating below the highest rating by any nationally recognized rating service which rates the particular securities.
  - h. Corporate bonds and notes provided they bear the highest rating of at least one nationally recognized rating service and do not bear a rating below the highest by any nationally recognized rating service which rates the particular obligation.
- (6) Repealed by Session Laws 1989 (Regular Session, 1990), c. 813, s. 10."

Sec. 76. G.S. 150B-38(a) reads as rewritten:

"(a) The provisions of this Article shall apply to the following agencies:

- (1) Occupational licensing agencies;
- (2) The State Banking Commission, the Commissioner of Banks, the Savings Institutions Division of the Department of ~~Economic and Community Development~~ Commerce, and the Credit Union Division of the Department of ~~Economic and Community Development~~ Commerce; and
- (3) The Department of Insurance and the Commissioner of Insurance."

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

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

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

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

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

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

(c) The board of commissioners of the authority shall annually elect from its membership a chairman and a vice-chairman and another person or persons, who may but need not be commissioners, as treasurer, secretary and, if desired, assistant secretary. The position of secretary and treasurer or assistant secretary and treasurer may be held by the same person. The secretary of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents and

papers filed with the authority, the minute book or journal of the authority and its official seal. Either the secretary or the assistant secretary of the authority may cause copies to be made of all minutes and other records and documents of the authority and may give certificates under the official seal of the authority to the effect that such copies are true copies, and all persons dealing with the authority may rely upon such certificates.

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

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

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

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

**"§ 159C-7. Approval of project.**

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

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

- (1) In the case of a proposed industrial project,
  - a. That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage (i) which is above the average weekly manufacturing wage paid in the county, or (ii) which is not less than ten percent (10%)

- above the average weekly manufacturing wage paid in the State, and
- b. That the proposed project will not have a materially adverse effect on the environment;
- (2) In the case of a proposed pollution control project, that such project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur; and
- (2a) In the case of a hazardous waste facility or low-level radioactive waste facility which is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment.
- (3) In any case (whether the proposed project is an industrial or a pollution control project), except a pollution control project for a public utility,
- a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
  - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate such project, and
  - c. That the financing of such project by the authority will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of obsolescence, lack of available labor in the area, or site limitations.

In no case shall the Secretary of ~~Economic and Community Development~~ Commerce make the findings required by subdivisions (1)b and (2) of this section unless he shall have first received a certification from the Department of Environment, Health, and Natural Resources that, in the case of a proposed industrial project, the proposed project will not have a materially adverse effect on the environment and that, in the case of a proposed pollution control project, the proposed project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur. In no case shall the Secretary of ~~Economic and Community Development~~ Commerce make the findings required by subdivision (2a) unless he shall have first received a certification from the Department of Environment, Health, and Natural Resources that the proposed project is environmentally sound, will not have an adverse effect on public health and will further the waste management goals of North Carolina. In any case where the Secretary shall make all of the required findings respecting a proposed industrial project except that prescribed in subparagraph (1)a of this section, the Secretary may, in his discretion,

approve the proposed project if he shall have received (i) a resolution of the governing body of the county requesting that the proposed project be approved notwithstanding that the operator will not pay an average weekly manufacturing wage above the average weekly manufacturing wage in the county and (ii) a letter from an appropriate State official, selected by the Secretary, to the effect that unemployment in the county is especially severe.

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

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

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

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

**"§ 159C-8. Approval of bonds.**

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

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

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

- (1) Whether the proposed operator and obligor have demonstrated or can demonstrate the financial responsibility and capability to fulfill their obligations with respect to the financing agreement. In making such determination, the Commission may consider the operator's experience

and the obligor's ratio of current assets to current liabilities, net worth, earnings trends and coverage of fixed charges, the nature of the industry or business involved and its stability and any additional security such as insurance, guaranties or property to be pledged to secure such bonds.

- (2) Whether the political subdivisions in or near which the proposed project is to be located have the ability to cope satisfactorily with the impact of such project and to provide, or cause to be provided, the public facilities and services, including utilities, that will be necessary for such project and on account of any increase in population which are expected to result therefrom.
- (3) Whether the proposed date and manner of sale will have an adverse effect upon any scheduled or anticipated sale of obligations by the State or any political subdivision or any agency of either of them.

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

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

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

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

**"§ 159D-7. Approval of project.**

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

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

- (1) In the case of a proposed industrial project,
  - a. That the operator of the proposed project pays, or has agreed to pay thereafter, an average weekly manufacturing wage (i)

- which is above the average weekly manufacturing wage paid in the county in which the project is to be located or (ii) which is not less than ten percent (10%) above the average weekly manufacturing wage paid in the State; and
- b. That the proposed project will not have a materially adverse effect on the environment;
- (2) In the case of a proposed pollution control project, that such project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur; and
  - (2a) In the case of a hazardous waste facility or low-level radioactive waste facility which is used as a reduction, recovery or recycling facility, that such project will further the waste management goals of North Carolina and will not have an adverse effect upon public health or a significant adverse effect on the environment; and
  - (3) In any case (whether the proposed project is an industrial or a pollution control project),
    - a. That the jobs to be generated or saved, directly or indirectly, by the proposed project will be large enough in number to have a measurable impact on the area immediately surrounding the proposed project and will be commensurate with the size and cost of the proposed project,
    - b. That the proposed operator of the proposed project has demonstrated or can demonstrate the capability to operate such project, and
    - c. That the financing of such project by the authority will not cause or result in the abandonment of an existing industrial or manufacturing facility of the proposed operator or an affiliate elsewhere within the State unless the facility is to be abandoned because of obsolescence, lack of available labor in the area, or site limitations.

In no case shall the Secretary of ~~Economic and Community Development Commerce~~ make the findings required by subdivisions (1)b and (2) of this section unless he shall have first received a certification from the Department of Environment, Health, and Natural Resources that, in the case of a proposed industrial project, the proposed project will not have a materially adverse effect on the environment and that, in the case of a proposed pollution control project, the proposed project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of pollution which would otherwise occur. In no case shall the Secretary of ~~Economic and Community Development Commerce~~ make the findings required by subdivision (2a) unless he shall have first received a certification from the Department of Environment, Health, and Natural Resources that the proposed project is environmentally sound, will not have an adverse effect on public health and will further the waste management goals of North Carolina. In any case where the Secretary shall



make all of the required findings respecting a proposed industrial project, except that prescribed in subdivision (1)a of this section, the Secretary may, in his discretion, approve the proposed project if he shall have received (i) a resolution of the governing body of the county in which the proposed project is to be located requesting that the proposed project be approved notwithstanding that the operator will not pay an average weekly manufacturing wage above the average weekly manufacturing wage in the county and (ii) a letter from an appropriate State official, selected by the Secretary, to the effect that unemployment in the county is especially severe.

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

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

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

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

**"§ 159D-8. Approval of bonds.**

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

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

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

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

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

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

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

Handicapped persons have the same right as the ablebodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and all other buildings and facilities, both publicly and privately owned, which serve the public. The Department of Human Resources shall develop, print, and promote the publication ACCESS NORTH CAROLINA. It shall make copies of the publication available to the Department of ~~Economic and Community Development~~ Commerce for its use in Welcome Centers and other appropriate Department of ~~Economic and Community Development~~ Commerce offices. The Department of Economic and Community Development shall promote ACCESS NORTH CAROLINA in its publications (including providing a toll-free telephone line and an address for requesting copies of the publication) and provide technical assistance to the Department of Human

Resources on travel attractions to be included in ACCESS NORTH CAROLINA. The Department of ~~Economic and Community Development~~ Commerce shall forward all requests for mailing ACCESS NORTH CAROLINA to the Department of Human Resources."

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

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

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

Sec. 87. Nothing in this act shall be construed to obligate the General Assembly to appropriate funds to implement the provisions of this act.

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

In the General Assembly read three times and ratified this the 15th day of July, 1992.

Henson P. Barnes  
President Pro Tempore of the Senate

Daniel Blue, Jr.  
Speaker of the House of Representatives