

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1244\*  
Education/Higher Education Committee Substitute Adopted 6/16/10  
PROPOSED HOUSE COMMITTEE SUBSTITUTE S1244-PCS65088-TC-80

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

(Public)

Sponsors:

Referred to:

May 20, 2010

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

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

...."

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

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



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

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

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

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

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

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

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

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

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

28 ...."

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

30 **"§ 158-8.3. Creation of Southeastern North Carolina Regional Economic Development**  
31 **Commission.**

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

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

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

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

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

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

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

51 ...."

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

3 **"§ 158-8.4A. State Board of Education members as ex officio commission members.**

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

7           (1) Charlotte Regional Partnership, Inc. – The State Board of Education member  
8 appointed to represent the sixth education district shall serve as a nonvoting  
9 ex officio member of the Commission.

10          (2) Piedmont Triad Regional Partnership. – The State Board of Education  
11 member appointed to represent the fifth education district shall serve as a  
12 nonvoting ex officio member of the Commission.

13          (3) Research Triangle Regional Partnership. – The State Board of Education  
14 member appointed to represent the third education district shall serve as a  
15 nonvoting ex officio member of the Commission."

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

17 **"§ 158-35. Commission membership, officers, compensation.**

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

21          (1) The board of commissioners of each county participating in the Region shall,  
22 in consultation with the county's local business community, appoint one  
23 member.

24          (2), (3) Repealed by Session Laws 2005-364, s. 1, effective October 1, 2005.

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

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

39          ...."

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

41          "(b) Membership. – The Economic Development Board shall consist of 3738 members.  
42 The Secretary of Commerce shall serve ex officio as a member and as the secretary of the  
43 Economic Development Board. The Secretary of Revenue shall serve as an ex officio,  
44 nonvoting member. The Secretary of the Department of Cultural Resources shall serve as an ex  
45 officio, nonvoting member. Four members of the House of Representatives appointed by the  
46 Speaker of the House of Representatives, four members of the Senate appointed by the  
47 President Pro Tempore of the Senate, the President of The University of North Carolina, or  
48 designee, the President of the North Carolina Community College System, or designee, the  
49 Secretary of State, and the President of the Senate (or the designee of the President of the  
50 Senate), shall serve as members of the Board. The Governor shall appoint the remaining 23  
51 members of the Board. Effective with the terms beginning July 1, 1997, one of the Governor's

1 appointees shall be a representative of a nonprofit organization involved in economic  
2 development and two of the Governor's appointees shall be county economic development  
3 representatives. The Governor shall designate a chair and a vice-chair from among the  
4 members of the Board. Appointments to the Board made by the Governor for terms beginning  
5 July 1, 1997, and appointments to the Board made by the Speaker of the House of  
6 Representatives and the President Pro Tempore of the Senate for terms beginning July 9, 1993,  
7 should reflect the ethnic and gender diversity of the State as nearly as practical.

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

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

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

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