

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 185
Feb 24, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10079-LM-50

Short Title: Transylvania Rural Development Authority. (Local)

Sponsors: Representative Clampitt.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT ESTABLISHING THE TRANSYLVANIA RURAL DEVELOPMENT
3 AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Establishment. – There is hereby established a separate and
6 independent body corporate and politic to be known as the Transylvania Rural Development
7 Authority (hereinafter "Authority"). The Authority shall have all the powers and duties granted
8 to a rural development authority established under Chapter 988 of the Session Laws of 1965, as
9 amended by Chapter 931 of the Session Laws of 1969 and S.L. 2023-143; provided, however,
10 the board of commissioners of Transylvania County shall have no authority over the Authority.

11 SECTION 2. Membership; Organization; Removal. – (a) There shall be nine
12 members of the Authority who shall be appointed as follows: three members by the Governor,
13 three members by the President Pro Tempore of the Senate, and three members by the Speaker
14 of the House of Representatives. Each member shall be a resident of Transylvania County and
15 shall serve a term of five years; provided, however, in order to stagger the members' terms, each
16 appointing authority shall, in appointing the initial members, appoint one member to serve a term
17 of two years, one member to serve a term of three years, and one member to serve a term of five
18 years. A member shall hold office until his or her successor is appointed and qualified. Vacancies
19 for unexpired terms shall be promptly filled by the original appointing authority, and the person
20 appointed shall serve for the remainder of the unexpired term. A member shall receive no
21 compensation for his or her services but shall, within the limit of available funds, be entitled to
22 reimbursement of necessary expenses, including travel expenses, incurred in the discharge of his
23 or her duties.

24 (b) The members of the Authority shall select from among their membership a person to
25 serve as chair, vice-chair, and any other officers they deem necessary to conduct the business of
26 the Authority. The Authority shall adopt rules and regulations not inconsistent with the
27 provisions of Chapter 988 of the Session Laws of 1965, as amended, as necessary for the proper
28 discharge of its duties. The chair may appoint committees as may be authorized by the Authority's
29 rules and regulations. The Authority shall meet regularly at the times and places specified in its
30 rules and regulations, and special meetings may be called pursuant to those rules. All meetings
31 shall be open to the public. A majority of the members shall constitute a quorum for all purposes.

32 (c) A member of the Authority may be removed by the Governor for inefficiency or
33 neglect of duty or misconduct in office. No member shall be removed unless he or she has been
34 given a copy of the charges at least 10 days prior to the hearing thereon and has been given an
35 opportunity to be heard in person or by counsel.



1 **SECTION 3.** Staff; Employees. – Within the limits of available funds, the Authority
2 may appoint a secretary, legal counsel, technical experts, and any other officers, agents, and
3 employees as it may require and shall determine their qualifications, duties, and compensation.
4 The Authority may delegate to one or more of its members, agents, or employees such powers
5 and duties as it deems necessary to carry out its powers and duties, subject always to the
6 supervision and control of the Authority.

7 **SECTION 4.** Interest of Members or Employees. – No member or employee of the
8 Authority shall (i) acquire any interest, direct or indirect, in any development project or any
9 property included, or planned to be included, in any development project, or in any area which
10 the member or employee may have reason to believe may be included in any development project
11 or (ii) have any interest, direct or indirect, in any contract or proposed contract for materials or
12 services to be furnished or used by the Authority or in connection with any development project.
13 The acquisition of any interest in a development project or in any property or contract as
14 described in this section shall constitute misconduct in office. If any member or employee of the
15 Authority shall have already owned or controlled within the preceding two years any interest,
16 direct or indirect, in any property later included or planned to be included in any development
17 project under the jurisdiction of the Authority, or has any interest in any contract for material or
18 services to be furnished or used in connection with any development project, the member or
19 employee shall disclose the same in writing to the Authority, and the disclosure shall be entered
20 upon the minutes of the Authority. Failure to make a disclosure, as required by this section, shall
21 constitute misconduct in office.

22 **SECTION 5.** Certificate of Incorporation. – The Authority shall cause a copy of this
23 act to be filed in the office of the Secretary of State and, upon receipt of the same, the Secretary
24 of State shall issue a certificate of incorporation. In any suit, action, or proceeding involving or
25 relating to the validity or enforcement of any contract or act of the Authority, a copy of the
26 certificate of incorporation duly certified by the Secretary of State shall be admissible in evidence
27 and shall be conclusive proof of the legal establishment of the Authority.

28 **SECTION 6.** Environmental Issues. – Notwithstanding any other provision of law,
29 neither Transylvania County nor any other county, the State of North Carolina, or any other
30 governmental unit that provides funds to the Authority or collaborates with the Authority on a
31 development project or other project shall be liable for any environmental issues, known or
32 unknown, related to the project solely because of providing funds to or collaborating with the
33 Authority.

34 **SECTION 7.** Section 23 of Chapter 988 of the Session Laws of 1965, as amended
35 by Chapter 931 of the Session Laws of 1969 and S.L. 2023-143, reads as rewritten:

36 "Sec. 23. This Act shall only apply to the counties of Cherokee, Clay, Graham, Jackson,
37 Macon, Swain, ~~Transylvania,~~ and Yancey."

38 **SECTION 8.** This act is effective when it becomes law.