

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 291\*

Short Title: Housing Division in Commerce.

(Public)

Sponsors: Senator Goldston.

Referred to: State Government.

February 27, 1989

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE DIVISIONS OF COMMUNITY ASSISTANCE AND ECONOMIC OPPORTUNITY FROM THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT TO THE DEPARTMENT OF COMMERCE, TO DIRECT THE SECRETARY OF COMMERCE TO ESTABLISH A DIVISION OF HOUSING, AND TO ESTABLISH A TOLL-FREE TELEPHONE NUMBER FOR HOUSING ASSISTANCE INFORMATION IN THAT DIVISION.

The General Assembly of North Carolina enacts:

Section 1. The Divisions of Community Assistance and Economic Opportunity in the Department of Natural Resources and Community Development are transferred to the Department of Commerce. The transfer shall have all the elements of a Type I transfer, as that term is defined in G.S. 143A-6(a).

Sec. 2. The Secretary of Commerce shall establish a division of housing within that department. The Divisions of Community Assistance and Economic Opportunity shall be located in this new division.

Sec. 3. G.S. 143B-431 reads as rewritten:

"§ 143B-431. Department of Commerce – functions.

(a) The functions of the Department of 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,

1 labor force development, the promotion of and assistance in the  
2 orderly development of North Carolina counties and communities, the  
3 promotion and growth of the travel and tourism industries, the  
4 development of our State's ports, energy resource management and  
5 energy policy development;

6 (2) All functions, powers, duties and obligations heretofore vested in any  
7 agency enumerated in Article 15 of Chapter 143A, to wit:

- 8 a. The State Board of Alcoholic Control,
- 9 b. The North Carolina Utilities Commission,
- 10 c. The Employment Security Commission,
- 11 d. The North Carolina Industrial Commission,
- 12 e. State Banking Commission and the Commissioner of Banks,
- 13 f. Savings and Loan Association Division,
- 14 g. The State Savings and Loan Commission,
- 15 h. Credit Union Commission,
- 16 i. The North Carolina Milk Commission,
- 17 j. The North Carolina Mutual Burial Association Commission,
- 18 k. The North Carolina Rural Electrification Authority,
- 19 l. The North Carolina State Ports Authority, all of which  
20 enumerated agencies are hereby expressly transferred by a Type  
21 II transfer, as defined by G.S. 143A-6, to this recreated and  
22 reconstituted Department of Commerce; and,

23 (3) All other functions, powers, duties and obligations as are conferred by  
24 this Chapter, delegated or assigned by the Governor and conferred by  
25 the Constitution and laws of this State. Any agency transferred to the  
26 Department of Commerce by a Type II transfer, as defined by G.S.  
27 143A-6, shall have the authority to employ, direct and supervise  
28 professional and technical personnel, and such agencies shall not be  
29 accountable to the Secretary of Commerce in their exercise of quasi-  
30 judicial powers authorized by statute, notwithstanding any other  
31 provisions of this Chapter, provided that the authority of the North  
32 Carolina State Ports Authority to employ, direct and supervise  
33 personnel shall be as provided in Part 10 of this Article.

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

38 (c) The Department of Commerce shall have the following powers and duties  
39 with respect to local planning assistance:

- 40 (1) To provide planning assistance to municipalities and counties and joint  
41 and regional planning boards established by two or more governmental  
42 units in the solution of their local planning problems. Planning  
43 assistance as used in this section shall consist of making population,  
44 economic, land use, traffic, and parking studies and developing plans

1 based thereon to guide public and private development and other  
 2 planning work of a similar nature. Planning assistance shall also  
 3 include the preparation of proposed subdivision regulations, zoning  
 4 ordinances, capital budgets, and similar measures that may be  
 5 recommended for the implementation of such plans. The term planning  
 6 assistance shall not be construed to include the providing of plans for  
 7 specific public works.

8 (2) To receive and expend federal and other funds for planning assistance  
 9 to municipalities and counties and to joint and regional planning  
 10 boards, and to enter into contracts with the federal government,  
 11 municipalities, counties, or joint and regional planning boards with  
 12 reference thereto.

13 (3) To perform planning assistance, either through the staff of the  
 14 Department or through acceptable contractual arrangements with other  
 15 qualified State agencies or institutions, local planning agencies, or with  
 16 private professional organizations or individuals.

17 (4) To assume full responsibility for the proper execution of a planning  
 18 program for which a grant of State or federal funds has been made and  
 19 for carrying out the terms of a federal grant contract.

20 (5) To cooperate with municipal, county, joint and regional planning  
 21 boards, and federal agencies for the purpose of aiding and encouraging  
 22 an orderly, coordinated development of the State.

23 (6) To establish and conduct, either with its own staff or through  
 24 contractual arrangements with institutions of higher education, State  
 25 agencies, or private agencies, training programs for those employed or  
 26 to be employed in community development activities."

27 Sec. 4. G.S. 143B-433 is amended by adding three new subdivisions:

28 "(23) Community Assistance Division,

29 (24) Economic Opportunity Division,

30 (25) Community Development Council."

31 Sec. 5. The Community Development Council in the Department of Natural  
 32 Resources and Community Development is transferred to the Department of Commerce.  
 33 The transfer shall have all the elements of a Type II transfer as that term is defined in  
 34 G.S. 143A-6(b).

35 Sec. 6. G.S. 143B is amended by adding a new Part 3A as follows:

36 **"PART 3A. COMMUNITY DEVELOPMENT COUNCIL.**

37  
 38 **"§ 143B-438.1. Community Development Council; creation, powers and duties.**

39 (a) There is hereby created the Community Development Council of the  
 40 Department of Commerce. The Community Development Council shall have the  
 41 following functions and duties:

42 (1) To advise the Secretary of Commerce with respect to promoting and  
 43 assisting in the orderly development of North Carolina counties and  
 44 communities.

1           (2) To advise the Secretary of Commerce with respect to the type and  
2           effectiveness of planning and management services provided to local  
3           government.

4           (3), (4) Repealed by Session Laws 1977, c. 198, s. 13.

5           (5) The Council shall consider and advise the Secretary of Commerce  
6           upon any matter the Secretary may refer to it.

7 **"§ 143B-438.2. Community Development Council; members, chairman, selection,**  
8 **removal, compensation, quorum, services.**

9           The Community Development Council of the Department of Commerce shall consist  
10 of 11 members appointed by the Governor. The composition of the Council shall be as  
11 follows: one member who shall be a local government official, one member who shall  
12 be the Executive Secretary of the League of Municipalities, one member who shall be  
13 the Executive Secretary of the County Commissioners Association, one member who  
14 shall represent industry, one member who shall represent labor, and six members at  
15 large.

16           The Governor shall designate one member of the Council to serve as chairman at  
17 the pleasure of the Governor.

18           The initial members of the Council other than those members serving in an ex  
19 officio capacity shall be appointed to serve for terms of four years and until their  
20 successors are appointed and qualify. Any appointment to fill a vacancy on the Council  
21 created by the resignation, dismissal, death or disability of a member shall be for the  
22 balance of the unexpired term.

23           The Governor shall have the power to remove any member of the Council from  
24 office in accordance with the provisions of G.S. 143B-16 of the Executive Organization  
25 Act of 1973.

26           Members of the Council shall receive per diem and necessary travel and subsistence  
27 expenses in accordance with the provisions of G.S. 138-5.

28           A majority of the Council shall constitute a quorum for the transaction of business.

29           All clerical and other services required by the Council shall be supplied by the  
30 Secretary of Commerce.

31 **"§ 143B-438.3. Community Development Council; meetings.**

32           The Community Development Council shall meet at least semiannually and may  
33 hold special meetings at any time and place within the State at the call of the chairman  
34 or upon the written request of least a majority of the members."

35           Sec. 7. G.S. 143-320 reads as rewritten:

36 **"§ 143-320. Definitions.**

37           As used in this Article, unless the context otherwise requires:

38           ~~"Council" means the Community Development Council.~~

39           "Department" means the Department of Natural Resources and Community  
40 Development.

41           "Secretary" means the Secretary of Natural Resources and Community  
42 Development.

43           "Recreation" means those interests that are diversionary in character and that aid in  
44 promoting entertainment, pleasure, relaxation, instruction, and other physical, mental,

1 and cultural developments and experiences of a leisure nature, and includes all  
2 governmental, private nonprofit and commercial recreation forms of the recreation field  
3 and includes parks, conservation, recreation travel, the use of natural resources,  
4 wilderness and high density recreation types and the variety of recreation interests in  
5 areas and programs which are incorporated in this range."

6 Sec. 8. G.S. 143-323(c) is repealed.

7 Sec. 9. G.S. 143B-279(10) is repealed.

8 Sec. 10. G.S. 143B-280 reads as rewritten:

9 **"§ 143B-280. Board of Natural Resources and Community Development; duties;  
10 members; selection; meetings; quorum; compensation; services.**

11 The Board of Natural Resources and Community Development shall consider and  
12 advise the Secretary of Natural Resources and Community Development upon any  
13 matter that the Secretary may refer to it. The Board shall assist the Secretary of Natural  
14 Resources and Community Development in the development of major programs and  
15 recommend priorities for programs within the Department.

16 The Board of Natural Resources and Community Development shall perform such  
17 other duties as may be specifically given to it.

18 The Board of Natural Resources and Community Development shall consist of the  
19 following 20 members. The chairman of each of the following commissions: the  
20 Wildlife Resources Commission, the Environmental Management Commission, the  
21 Marine Fisheries Commission, the Coastal Resources Commission and the Soil and  
22 Water Conservation Commission; the chairman of each of the following councils: ~~the~~  
23 ~~Community Development Council,~~ the Forestry Council, the Parks and Recreation  
24 Council and the North Carolina Zoological Park Council; ~~40-11~~ members at large  
25 appointed by the Governor to serve at his pleasure; and the Secretary of Natural  
26 Resources and Community Development who shall be a member and chairman ex  
27 officio. The Board of Natural Resources and Community Development shall meet at  
28 least once in each quarter and may hold special meetings at any time and place within  
29 the State at the call of its chairman.

30 A majority of the Board shall constitute a quorum for the transaction of business.

31 Members of the Board shall receive per diem and necessary travel expenses in  
32 accordance with the provisions of G.S. 138-5.

33 All clerical and other services required by the Board shall be supplied by the  
34 Secretary of Natural Resources and Community Development."

35 Sec. 11. Part 11 of G.S. 143B, Sections 143B-305 to 143B-307, is repealed.

36 Sec. 12. There shall be established in the Department of Commerce, Housing  
37 Division, a toll-free telephone number to provide information on housing assistance to  
38 the citizens of the State.

39 Sec. 13. This act shall become effective July 1, 1989.