

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 381*
Committee Substitute Favorable 5/9/89
State Government Senate Committee Substitute Adopted 6/8/89

Short Title: Housing Division in Commerce.

(Public)

Sponsors:

Referred to:

February 27, 1989

A BILL TO BE ENTITLED

1 AN ACT TO TRANSFER THE DIVISION OF COMMUNITY ASSISTANCE FROM
2 THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY
3 DEVELOPMENT TO THE DEPARTMENT OF COMMERCE, TO TRANSFER
4 THE DIVISION OF ECONOMIC OPPORTUNITY FROM THE DEPARTMENT
5 OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT TO THE
6 DEPARTMENT OF HUMAN RESOURCES, TO DIRECT THE SECRETARY OF
7 COMMERCE TO ESTABLISH THE FUNCTIONS OF COMMUNITY
8 DEVELOPMENT AND HOUSING, TO CHANGE THE NAME OF THE
9 DEPARTMENT OF COMMERCE TO THE DEPARTMENT OF ECONOMIC
10 AND COMMUNITY DEVELOPMENT, TO CHANGE THE NAME OF THE
11 SECRETARY OF COMMERCE TO THE SECRETARY OF ECONOMIC AND
12 COMMUNITY DEVELOPMENT, AND TO ESTABLISH A TOLL-FREE
13 TELEPHONE NUMBER FOR HOUSING ASSISTANCE INFORMATION
14 WITHIN THE DEPARTMENT OF COMMERCE.
15

16 The General Assembly of North Carolina enacts:

17 Section 1. The Division of Community Assistance in the Department of
18 Natural Resources and Community Development is transferred to the Department of
19 Commerce, as renamed the Department of Economic and Community Development
20 pursuant to this act. The Division of Economic Opportunity in the Department of
21 Natural Resources and Community Development is transferred to the Department of

1 Human Resources. The transfers shall have all the elements of a Type I transfer, as that
2 term is defined in G.S. 143A-6(a).

3 Sec. 2. The Secretary of Commerce, as renamed the Secretary of Economic
4 and Community Development pursuant to this act, shall establish the functions of
5 community development and housing and shall establish the position of Deputy or
6 Assistant Secretary for Community Development and Housing within the Department,
7 which Deputy or Assistant Secretary shall be of the same status and position as the
8 Deputy or Assistant Secretary for Economic Development. The functions of the
9 transferred Division of Community Assistance shall be located under the Deputy or
10 Assistant Secretary for Community Development and Housing.

11 Sec. 3. The phrase "Department of Commerce" is deleted and replaced by the
12 phrase "Department of Economic and Community Development" wherever it occurs in
13 each of the following sections or chapters of the General Statutes:

- 14 (1) G.S. 20-81.3. Special personalized registration plates.
- 15 (2) G.S. 54-109.11. Duties of Administrator.
- 16 (3) G.S. 54B-4. Definitions and application of terms.
- 17 (4) G.S. 58-27.31. State Fire Commission – Powers and duties.
- 18 (5) G.S. 65-49. The North Carolina Cemetery Commission.
- 19 (6) G.S. 105-228.24A. Income tax credit for supervisory fees.
- 20 (7) G.S. 113A-105. Coastal Resources Advisory Council.
- 21 (8) G.S. 113B-11. Powers and authority.
- 22 (9) G.S. 114-4.2D. Employment of attorney for Energy Division of
23 Department of Commerce.
- 24 (10) G.S. 126-5. Employees subject to Chapter; exemptions.
- 25 (11) G.S. 143-166.13. Persons entitled to benefits under Article.
- 26 (12) G.S. 143-169.1. State agency public document mailing lists to be
27 updated.
- 28 (13) G.S. 143A-11. Principal departments.
- 29 (14) G.S. 143B-2. Interim applicability of the Executive Organization Act
30 of 1973.
- 31 (15) G.S. 143B-6. Principal departments.
- 32 (16) G.S. 143B-390. North Carolina Marine Science Council –
33 membership; terms; rules of procedure; meetings; quorum; expenses.
- 34 (17) G.S. 143B-417. North Carolina Internship Council – creation; powers
35 and duties.
- 36 (18) G.S. 143B-426.39. Powers and duties of the State Controller.
- 37 (19) G.S. 143B-427. Department of Commerce – creation.
- 38 (20) G.S. 143B-428. Department of Commerce – declaration of policy.
- 39 (21) G.S. 143B-429. Department of Commerce – duties.
- 40 (22) G.S. 143B-430. Secretary of Commerce – powers and duties.
- 41 (23) G.S. 143B-432. Transfers to Department of Commerce.
- 42 (24) G.S. 143B-433. Department of Commerce – organization.
- 43 (25) G.S. 143B-434. Economic Development Board – creation, duties,
44 membership.

- 1 (26) G.S. 143B-435. Publications.
- 2 (27) G.S. 143B-436. Advertising of State Resources and Advantages.
- 3 (28) G.S. 143B-437. Investigation of impact of proposed new and
- 4 expanding industry.
- 5 (29) G.S. 143B-439. Credit Union Commission.
- 6 (30) G.S. 143B-443. Administration by Department of Commerce.
- 7 (31) G.S. 143B-448. Energy Division.
- 8 (32) G.S. 143B-450. Reporting of stocks of coal and petroleum fuels.
- 9 (33) G.S. 143B-450.1. Authority to collect data; administration and
- 10 enforcement; confidentiality.
- 11 (34) G.S. 143B-471. Creation of Technological Development Authority.
- 12 (35) G.S. 143B-475. Department of Crime Control and Public Safety –
- 13 functions.
- 14 (36) G.S. 147-69.1. Investments authorized for General Fund and Highway
- 15 Fund assets.
- 16 (37) G.S. 150B-1. Policy and scope.
- 17 (38) G.S. 150B-38. Scope; hearing required; notice; venue.
- 18 (39) G.S. 159-30. Investment of idle funds.
- 19 (40) G.S. 159C-4. Creation of Authorities.
- 20 (41) G.S. 159C-7. Approval of project.
- 21 (42) G.S. 159C-8. Approval of bonds.
- 22 (43) G.S. 159D-4. Creation of the Authority.
- 23 (44) G.S. 159D-7. Approval of project.
- 24 (45) G.S. 159D-8. Approval of bonds.
- 25 (46) Chapter 130B of the General Statutes, as created by Chapter 168 of the
- 26 Session Laws of 1989.
- 27 Sec. 4. The phrase "Secretary of Commerce" is deleted and replaced by the
- 28 phrase "Secretary of Economic and Community Development" wherever it occurs in
- 29 each of the following sections or chapters of the General Statutes:
- 30 (1) G.S. 20-81. Official license plates.
- 31 (2) G.S. 54B-53. Savings and Loan Commission.
- 32 (3) G.S. 54B-238. Examination and certification by Secretary of
- 33 Commerce.
- 34 (4) G.S. 54B-240. Proposed amendments submitted to Secretary of
- 35 Commerce.
- 36 (5) G.S. 54B-241. Examination and certification of amendments.
- 37 (6) G.S. 54B-246. Supervision by Secretary of Commerce.
- 38 (7) G.S. 54B-247. Special examinations.
- 39 (8) G.S. 54B-248. Right to enter and to conduct investigations.
- 40 (9) G.S. 54B-249. Removal of officers or employees.
- 41 (10) G.S. 113-315.25. Creation of N.C. Seafood Industrial Park Authority.
- 42 (11) G.S. 113-315.26. Personnel.
- 43 (12) G.S. 113-315.34. Jurisdiction of the Authority; application of Chapter
- 44 20; appointment and authority of special police.

- 1 (13) G.S. 113B-3. Composition of Council; appointments; terms of
- 2 members; qualifications.
- 3 (14) G.S. 143B-426.31. North Carolina Board of Science and Technology;
- 4 membership; organization; compensation; staff services.
- 5 (15) G.S. 143B-430. Secretary of Commerce – powers and duties.
- 6 (16) G.S. 143B-439. Credit Union Commission.
- 7 (17) G.S. 143B-449. Organization of Energy Division.
- 8 (18) G.S. 143B-451. Navigation and pilotage commissions.
- 9 (19) G.S. 143B-452. Creation of Authority – membership; appointment,
- 10 terms and vacancies; officers; meetings and quorum; compensation.
- 11 (20) G.S. 143B-454. Powers of Authority.
- 12 (21) G.S. 146-45. Distribution of copies of State publications.
- 13 (22) G.S. 147-33.11. Membership of North Carolina Housing Commission.
- 14 (23) G.S. 147-45. Distribution of copies of State publications.
- 15 (24) G.S. 159C-7. Approval of project.
- 16 (25) G.S. 159D-7. Approval of project.
- 17 (26) Chapter 130B of the General Statutes, as created by Chapter 168 of the
- 18 Session Laws of 1989.

19 Sec. 5. Consistent with the provisions of this act, the Codifier of Statutes is
20 hereby authorized to change the name of the North Carolina Department of Commerce
21 to the Department of Economic and Community Development and the name of the
22 Secretary of Commerce to the Secretary of Economic and Community Development in
23 (i) any general statute not listed in sections 3 or 4 of this act and (ii) any session law
24 currently in effect which is not otherwise covered by the lists in sections 3 or 4 of this
25 act.

26 Sec. 6. G.S. 143B-431, as amended by Chapter 76, section 25 of the Session
27 Laws of 1989, reads as rewritten:

28 "**§ 143B-431. Department of ~~Commerce~~Economic and Community Development –**
29 **functions.**

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

- 33 (1) All of the executive functions of the State in relation to economic
34 development including by way of enumeration and not of limitation,
35 the expansion and recruitment of environmentally sound industry,
36 labor force development, the promotion of and assistance in the
37 orderly development of North Carolina counties and communities, the
38 promotion and growth of the travel and tourism industries, the
39 development of our State's ports, energy resource management and
40 energy policy development;
- 41 (2) All functions, powers, duties and obligations heretofore vested in any
42 agency enumerated in Article 15 of Chapter 143A, to wit:
 - 43 a. The State Board of Alcoholic Control,
 - 44 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 ~~and Loan~~ 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 ~~Commerce~~ Economic and Community Development; 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 ~~Commerce~~ Economic and Community Development 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 ~~Commerce~~ Economic and Community Development 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 ~~Commerce~~ Economic and Community Development 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 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

1 assistance shall not be construed to include the providing of plans for
2 specific public works.

3 (2) To receive and expend federal and other funds for planning assistance
4 to municipalities and counties and to joint and regional planning
5 boards, and to enter into contracts with the federal government,
6 municipalities, counties, or joint and regional planning boards with
7 reference thereto.

8 (3) To perform planning assistance, either through the staff of the
9 Department or through acceptable contractual arrangements with other
10 qualified State agencies or institutions, local planning agencies, or with
11 private professional organizations or individuals.

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

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

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

22 Sec. 7. G.S. 143B-433 is amended by adding three new subdivisions:

23 "(23) Community Assistance Division,

24 (24) Community Development Council,

25 (25) Housing Coordination and Policy Council,".

26 Sec. 8. The Community Development Council in the Department of Natural
27 Resources and Community Development is transferred to the Department of Commerce,
28 as renamed the Department of Economic and Community Development pursuant to this
29 act. The transfer shall have all the elements of a Type II transfer as that term is defined
30 in G.S. 143A-6(b).

31 Sec. 9. Chapter 143B of the General Statutes is amended by adding a new
32 Part 3A to read:

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

34 **"§ 143B-438.1. Community Development Council; creation; functions.**

35 (a) There is created the Community Development Council of the Department of
36 Economic and Community Development. The Community Development Council shall
37 have the following functions and duties:

38 (1) To advise the Secretary of Economic and Community
39 Development with respect to promoting and assisting in the orderly
40 development of North Carolina counties and communities;

41 (2) To advise the Secretary of Economic and Community
42 Development with respect to the type and effectiveness of planning
43 and management services provided to local government; and

1 (3) The Council shall consider and advise the Secretary of Economic
2 and Community Development upon any matter the Secretary may
3 refer to it.

4 **"§ 143B-438.2. Council membership; compensation; procedures.**

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

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

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

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

22 Members of the Council may receive per diem and necessary travel and subsistence
23 expenses in accordance with the provisions of G.S. 138-5.

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

25 All clerical and other services required by the Council shall be supplied by the
26 Secretary of Economic and Community Development.

27 **"§ 143B-438.3. Council meetings.**

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

31 Sec. 10. Chapter 143B of the General Statutes is amended by adding a new
32 Part 3B to read:

33 **"PART 3B. HOUSING COORDINATION AND POLICY COUNCIL.**

34 **"§ 143B-438.4. Housing Coordination and Policy Council; creation; duties.**

35 (a) There is created the Housing Coordination and Policy Council of the
36 Department of Economic and Community Development. The Housing Coordination and
37 Policy Council shall have the following functions and duties:

38 (1) To advise the Secretary of Economic and Community
39 Development and the Deputy Secretary of Community
40 Development and Housing regarding the coordination of various
41 public and private low and moderate income housing programs;

42 (2) To advise the Secretary of Economic and Community
43 Development and the Deputy Secretary of Community
44 Development and Housing in the preparation of an overall,

1 comprehensive State housing plan with specific recommendations
2 to address identified areas of need, which report shall be presented
3 to the Governor and General Assembly;

4 (3) To advise the Secretary of Economic and Community
5 Development and the Deputy Secretary of Community
6 Development and Housing with respect to the best use of housing
7 resources under the Deputy Secretary; and

8 (4) To advise the Secretary of Economic and Community
9 Development regarding any other matter relating to housing the
10 Secretary may refer to it.

11 (b) Nothing herein shall abrogate the existing statutory responsibility of any other
12 agency to develop housing plans and policies relating to specific housing programs.

13 **"§ 143B-438.5. Council membership; compensation; procedures.**

14 (a) The Housing Coordination and Policy Council shall consist of 15
15 representatives, as follows:

16 (1) Two members of the N.C. Housing Partnership who are
17 experienced with housing programs for low-income persons, as
18 designated by the chairman.

19 (2) Two members of the Community Development Council who are
20 experienced with federal, state and local housing programs, as
21 designated by the chairman.

22 (3) Two members of the N.C. Housing Finance Agency Board of
23 Directors who are experienced with real estate finance and
24 development, as designated by the chairman.

25 (4) One member of the Weatherization Policy Advisory Council who
26 is experienced with community weatherization programs, as
27 designated by the chairman.

28 (5) One member of the Governor's Advocacy Council for Persons with
29 Disabilities who is familiar with the housing needs of the disabled.

30 (6) The executive director of the Commission of Indian Affairs, or a
31 designee familiar with Indian housing programs.

32 (7) The deputy secretary of Community Development and Housing, or
33 a designee familiar with housing programs related to community
34 development and housing functions;

35 (8) The assistant secretary of the Division of Aging, or a designee
36 familiar with the housing programs of the division.

37 (9) The executive director of the N.C. Housing Finance Agency, or a
38 designee familiar with the housing programs of the agency.

39 (10) The director of the Division of Mental Health or a designee
40 familiar with housing for those with mental disabilities.

41 (11) The executive director of the N.C. Human Relations Council or a
42 designee familiar with federal and state fair housing laws.

43 (12) A chairman designated by the Secretary of Economic and
44 Community Development.

1 All members except those serving ex officio shall be appointed by the Secretary of
2 Economic and Community Development. The Secretary of Economic and Community
3 Development shall designate one member of the Council to serve as Chair.

4 (b) The initial members of the Council other than those serving ex officio shall
5 be appointed to serve for terms of four years and until their successors are appointed
6 and qualified. Any appointment to fill a vacancy created by resignation, dismissal,
7 death, or disability of a member shall be for the balance of the term.

8 (c) Members of the Council may receive per diem and necessary travel and
9 subsistence expenses in accordance with the provisions of G.S. 138-5.

10 (d) A majority of the Council shall constitute a quorum for the transaction of
11 business.

12 (e) All clerical and other services required by the Council shall be supplied by
13 the Secretary of Economic and Community Development.

14 **"§ 143B-438.6. Council meetings; report.**

15 (a) The Housing Coordination and Policy Council shall meet at least quarterly
16 and may hold special meetings at any time and place within the State at the call of the
17 Chair or upon written request of a majority of the members.

18 (b) The Council shall assist in the preparation and filing of an annual written
19 report which contains a review of work completed, a review of ongoing activities, and
20 housing policy recommendations. This report shall be filed with the General Assembly
21 and the Governor by May 1. The report to the 1991 Session of the General Assembly
22 shall contain specific recommendations regarding the further consolidation of housing
23 programs within State government."

24 Sec. 11. G.S. 143-320 reads as rewritten:

25 **"§ 143-320. Definitions.**

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

27 ~~'Council' means the Community Development Council.~~

28 'Department' means the Department of Natural Resources and Community
29 Development.

30 'Secretary' means the Secretary of Natural Resources and Community
31 Development.

32 'Recreation' means those interests that are diversionary in character and that aid in
33 promoting entertainment, pleasure, relaxation, instruction, and other physical, mental,
34 and cultural developments and experiences of a leisure nature, and includes all
35 governmental, private nonprofit and commercial recreation forms of the recreation field
36 and includes parks, conservation, recreation travel, the use of natural resources,
37 wilderness and high density recreation types and the variety of recreation interests in
38 areas and programs which are incorporated in this range."

39 Sec. 12. G.S. 143-323(c) is repealed.

40 Sec. 13. G.S. 143B-279(10) is repealed.

41 Sec. 14. G.S. 143B-280 reads as rewritten:

42 **"§ 143B-280. Board of Natural Resources and Community Development; duties;**
43 **members; selection; meetings; quorum; compensation; services.**

1 The Board of Natural Resources and Community Development shall consider and
2 advise the Secretary of Natural Resources and Community Development upon any
3 matter that the Secretary may refer to it. The Board shall assist the Secretary of Natural
4 Resources and Community Development in the development of major programs and
5 recommend priorities for programs within the Department.

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

8 The Board of Natural Resources and Community Development shall consist of the
9 following 20 members. The chairman of each of the following commissions: the
10 Wildlife Resources Commission, the Environmental Management Commission, the
11 Marine Fisheries Commission, the Coastal Resources Commission and the Soil and
12 Water Conservation Commission; the chairman of each of the following councils: ~~the~~
13 ~~Community Development Council,~~—the Forestry Council, the Parks and Recreation
14 Council and the North Carolina Zoological Park Council; ~~10-11~~ members at large
15 appointed by the Governor to serve at his pleasure; and the Secretary of Natural
16 Resources and Community Development who shall be a member and chairman ex
17 officio. The Board of Natural Resources and Community Development shall meet at
18 least once in each quarter and may hold special meetings at any time and place within
19 the State at the call of its chairman.

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

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

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

25 Sec. 15. G.S. 143B-305 through 143B-307 are repealed.

26 Sec. 16. There shall be established in the Department of Economic and
27 Community Development a toll-free telephone number to provide information on
28 housing assistance to the citizens of the State.

29 Sec. 17. Nothing herein shall require the State to appropriate funds to
30 implement the provisions of this act.

31 Sec. 18. This act shall become effective July 1, 1989.