



Whereas, concerns over the State's environmental needs regarding water quality, air quality, the parks system, and preservation of the State's natural resources and beauty are becoming more urgent; and

Whereas, the combination of increasingly inadequate infrastructure and the pressing environmental concerns could result in the inability of the State's economy to grow in an effective and efficient manner; and

Whereas, careful planning and deliberation can enhance the economic growth of the State while protecting the environment, the heritage, and the safety and welfare of the citizens of the State; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Part 2 of Article 10 of Chapter 143B of the General Statutes is amended by adding the following new sections to read:

**"§ 143B-437.06. Smart Growth North Carolina Commission – creation; membership; vacancies.**

(a) Establishment. – There is created the Smart Growth North Carolina Commission. The Commission shall be located within the Department of Commerce for organizational, budgetary, and administrative purposes only. The Department of Commerce shall provide operating and support staff, including administrative and clerical staff, and meeting space to the Commission.

(b) Membership. – The Commission shall be composed of 30 members. The members shall be as follows:

- (1) The Lieutenant Governor, ex officio;
- (2) The Secretary of the Department of Commerce, ex officio;
- (3) The Secretary of the Department of Environment and Natural Resources, ex officio;
- (4) The Superintendent of Public Instruction, ex officio;
- (5) The Secretary of the Department of Transportation, ex officio;
- (6) The Chair of the Information Resource Management Commission, ex officio;
- (7) A representative of the public school system, either from the North Carolina School Boards Association or from the State Board of Education, appointed by the Governor;
- (8) A representative of universities and colleges, appointed by the Governor;
- (9) A representative of community colleges, appointed by the Governor;
- (10) A representative from an environmental advocacy group, appointed by the Governor;
- (11) Two representatives who have knowledge about urban planning or the building industry, one of whom shall be appointed by the President Pro Tempore of the Senate and one of whom shall be appointed by the Speaker of the House of Representatives;
- (12) Two representatives from the North Carolina League of Municipalities, one of whom shall be appointed by the President Pro Tempore of the

- 1           Senate and one of whom shall be appointed by the Speaker of the House  
2           of Representatives;
- 3           (13) Two representatives from the North Carolina Association of County  
4           Commissioners, one of whom shall be appointed by the President Pro  
5           Tempore of the Senate and one of whom shall be appointed by the  
6           Speaker of the House of Representatives;
- 7           (14) Two representatives, one of whom has knowledge about rural economic  
8           development appointed by the President Pro Tempore of the Senate and  
9           one of whom has knowledge about urban economic development  
10           appointed by the Speaker of the House of Representatives;
- 11           (15) A representative of business and industry, appointed by the Speaker of  
12           the House of Representatives;
- 13           (16) A representative of agriculture, appointed by the President Pro Tempore  
14           of the Senate;
- 15           (17) One public member, appointed by the President Pro Tempore of the  
16           Senate;
- 17           (18) One public member, appointed by the Speaker of the House of  
18           Representatives; and
- 19           (19) Four members of the Senate appointed by the President Pro Tempore of  
20           the Senate and four members of the House of Representatives appointed  
21           by the Speaker of the House of Representatives.

22 The ex officio members may designate representatives from their particular departments,  
23 divisions, or offices to represent them on the Commission. All members of the  
24 Commission are voting members.

25       (c) Terms. – The terms of the members shall commence on October 1, 1999, and  
26 the members shall serve until expiration of the Commission.

27       (d) Chair. – At the first meeting, the Commission shall elect a chair who shall  
28 serve for the duration of the Commission.

29       (e) Vacancies. – A vacancy in the Commission or as chair of the Commission  
30 resulting from the resignation of a member or otherwise shall be filled in the same  
31 manner in which the original appointment was made and the term shall be for the balance  
32 of the unexpired term.

33       (f) Compensation. – The Commission members shall receive no salary as a result  
34 of serving on the Commission but shall receive per diem, subsistence, and travel  
35 expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as  
36 applicable. When approved by the Commission, members may be reimbursed for  
37 subsistence and travel expenses in excess of the statutory amount.

38       (g) Removal. – Members may be removed in accordance with G.S. 143B-13 as if  
39 that section applied to this Article.

40       (h) Meetings. – The chair shall convene the Commission. Meetings shall be held  
41 as often as necessary, but not less than four times a year.

42       (i) Quorum. – A majority of the members of the Commission shall constitute a  
43 quorum for the transaction of business. The affirmative vote of a majority of the members

1 present at meetings of the Commission shall be necessary for action to be taken by the  
2 Commission.

3 (j) Termination of Commission. – The Commission shall terminate September 30,  
4 2004.

5 "**§ 143B-437.07. Commission – duties.**

6 The Commission shall:

7 (1) Undertake a statistical study of the population growth rate across the  
8 State and the infrastructure needs of the State;

9 (2) Develop long-term, strategic planning guidelines options for the  
10 efficient and deliberate growth of urban, retirement, and resort areas of  
11 the State, including best land-use management practices as those  
12 practices relate to sound and serviceable development, the future of the  
13 environment, and the agricultural and housing industries;

14 (3) Consult with those who administer the Transportation Impact Program  
15 of the Department of Transportation to consider the impact of rapid  
16 economic development in the urban areas and new development in rural  
17 areas of the State;

18 (3) Consult with the Economic Development Board to recommend  
19 strategies to encourage growth in the rural areas of the State;

20 (4) Recommend incentives to encourage local governments to develop and  
21 implement sound land-use management practices;

22 (5) Consult with the State Board of Education and other education policy  
23 specialists and groups to recommend ways to meet the growing school-  
24 aged population and the growing college-aged population and the needs  
25 of the adult population to receive advanced education to remain  
26 competitive in the workforce, including capital construction and  
27 technology;

28 (6) Consult with leaders in the finance industry in the State to determine the  
29 best use of State, federal, and private funds to prepare for, and maximize  
30 the benefits of, the economic growth of the State in the 21st century;

31 (7) Consult with technology experts regarding the emerging trends and  
32 developments in technology and how technology may affect the State in  
33 the next century, including the potential for growth in that particular  
34 industry;

35 (8) Study and make recommendations regarding the need to protect and  
36 assure affordability of housing;

37 (9) Consider and make recommendations regarding the State's  
38 environmental needs, including the needs of clean water and air and the  
39 parks, and how those needs may be addressed in order to safeguard the  
40 future health and welfare of the State's citizens and to protect the natural  
41 beauty of the State;

42 (10) Study and make recommendations regarding effective means to grow,  
43 develop and preserve areas that have not been developed and ways to

1 reduce the impact of rapid growth in the urban areas, including the use  
2 of mass transit, the redevelopment of urban areas, and the preservation  
3 of rural areas through economic incentives;

4 (11) Analyze and consider options regarding the funding of State and local  
5 infrastructure needs such as transportation, public schools, higher  
6 education, and water and sewer services;

7 (12) Recommend proposed legislation and funding mechanisms; and

8 (13) Perform any other studies, evaluations, or determinations the  
9 Commission considers necessary to carry out its mandate."

10 Section 2. G.S. 143B-433 reads as rewritten:

11 "**§ 143B-433. Department of Commerce – organization.**

12 The Department of Commerce shall be organized to include:

13 (1) The following agencies:

- 14 a. The North Carolina Alcoholic Beverage Control Commission.
- 15 b. The North Carolina Utilities Commission.
- 16 c. The Employment Security Commission.
- 17 d. The North Carolina Industrial Commission.
- 18 e. State Banking Commission.
- 19 f. Savings and Loan Association Division.
- 20 g. The State Savings Institutions Commission.
- 21 h. Credit Union Commission.
- 22 i. The North Carolina Milk Commission.
- 23 j. The North Carolina Mutual Burial Association Commission.
- 24 k. North Carolina Cemetery Commission.
- 25 l. The North Carolina Rural Electrification Authority.
- 26 m. Repealed by Session Laws 1985, c. 757, s. 179(d).
- 27 n. North Carolina Science and Technology Research Center.
- 28 o. The North Carolina State Ports Authority.
- 29 p. North Carolina National Park, Parkway and Forests Development  
30 Council.
- 31 q. Economic Development Board.
- 32 r. Labor Force Development Council.
- 33 s. Energy Policy Council.
- 34 t. Energy Division.
- 35 u. Navigation and Pilotage Commissions established by Chapter 76  
36 of the General Statutes.
- 37 v. Repealed by Session Laws 1993, c. 321, s. 313(b).
- 38 w. The Smart Growth North Carolina Commission.

39 (2) Those agencies which are transferred to the Department of Commerce  
40 including the:

- 41 a. Community Assistance Division.
- 42 b. Community Development Council.
- 43 c. Employment and Training Division.

1                   d.     Job Training Coordinating Council.  
2           (3)    Such divisions as may be established pursuant to Article 1 of this  
3                   Chapter."

4           Section 3. There is appropriated from the General Fund to the Department of  
5 Commerce the sum of one hundred fifty thousand dollars (\$150,000) for the 1999-2000  
6 fiscal year for the establishment and operation of the Smart Growth North Carolina  
7 Commission pursuant to Section 1 of this act.

8           Section 4. This act becomes effective July 1, 1999.