

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 895
SENATE BILL 571

AN ACT TO TRANSFER AND REORGANIZE THE NORTH CAROLINA HOUSING
FINANCE AGENCY.

The General Assembly of North Carolina enacts:

Section 1. The North Carolina Housing Finance Agency is transferred to the Office of State Budget and Management; this transfer shall be neither a Type I nor Type II transfer as defined by G.S. 143A-6; the purpose of this transfer is to permit the board of directors of the North Carolina Housing Finance agency to exercise the powers granted to the agency by Chapter 122A of the General Statutes and all management functions of the agency, as defined by G.S. 143A-6(c), independently of the direction, supervision or control of the Office of State Budget and Management; provided, however, that the agency shall be subject to the management functions of reporting and budgeting, as defined by G.S. 143A-6 to the extent that the agency shall submit its budgets and reported expenditures to the Office of State Budget and Management in accordance with the provisions of the Executive Budget Act and shall receive any monies appropriated to the agency by the General Assembly through appropriations to the Office of State Budget and Management which are designated for use by the agency.

Sec. 2. G.S. 122A-4 is amended by deleting the number "14" in the second sentence and substituting the number "13"; by deleting the third sentence; and on line 31 by deleting the number "13" and substituting therefor the number "12" and by deleting the word "fourteenth" and substituting therefor the word "thirteenth". G.S. 122A-4 is further amended by deleting the last three sentences of the first paragraph and substituting: "The agency shall exercise all of its prescribed statutory powers independently of any principal State Department except as described in this Chapter. The Executive Director of the agency shall be appointed by the board of directors, subject to approval by the Governor. All staff and employees of the agency shall be appointed by the Executive Director, subject to approval by the board of directors; shall be eligible for participation in the State Employees' Retirement System; and shall be exempt from the provisions of the State Personnel Act; provided, however, that the executive Director shall, on or before January 15 of each year, subject to the approval of the board of directors, designate those employees of the agency which are employed in secretarial, clerical or administrative positions. All employees designated as secretarial, clerical or administrative shall be compensated in accordance with the salary schedules adopted pursuant to the State Personnel Act. The board of directors shall set the salary of the Executive Director and all other staff and employees of the agency whose positions are not designated as secretarial, clerical or administrative, subject to prior approval by the Advisory Budget Commission. The salary of the Executive Director and all staff and employees of the agency shall not be subject to any limitations imposed pursuant to any salary schedule adopted pursuant to the terms of the State Personnel Act. The board of directors shall, subject to the approval of the Governor, elect and prescribe the duties of such other officers as it shall deem necessary or advisable, and the Advisory Budget Commission shall fix the compensation of such officers. The books and records of the agency shall be maintained by the agency and shall be subject to periodic review and audit by the State."

Sec. 3. G.S. 122A-5 is amended by rewriting subdivision (18) to read:

"(18) To establish and maintain an office for the transaction of its business in the City of Raleigh and at such place or places as the board of directors deems advisable or necessary in carrying out the purposes of this Chapter; provided, however, that the agency shall comply with the provisions of Articles 6 and 7 of Chapter 146 of the General Statutes governing the acquisition of office space."

Sec. 4. G.S. 122A-16 is amended by deleting the words "Secretary of the Department of Natural Resources and Community Development" in the second sentence and substituting "The Office of State Budget and Management".

Sec. 5. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 9th day of July, 1981.