

Whereas, the Consent Decree and Final Judgment directs the Attorney General to create a nonprofit corporation for purposes of receipt and distribution of fifty percent of the funds allocated to North Carolina; and

Whereas, the Consent Decree and Final Judgment provides that, as a condition precedent to the operation of the nonprofit corporation, the creation of the corporation must be approved by the North Carolina General Assembly not later than March 15, 1999, and must be approved by the Court; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. The creation of the nonprofit corporation pursuant to subparagraph VI.A.1 of the Consent Decree and Final Judgment entered in the action of 98 CVS 14377 on December 21, 1998, is hereby approved for the purposes and on the terms and conditions set forth in subparagraph VI.A.1 of the Consent Decree and Final Judgment and this act.

Section 2. The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall appoint the 15 directors of the nonprofit corporation as follows:

(1) Six of the directors shall be producers of flue-cured tobacco.

(2) Two of the directors shall be producers of burley tobacco.

(3) Two of the directors shall be current or displaced workers in tobacco or tobacco-related employment.

(4) Five of the directors shall be appointed at large.

Of the directors appointed pursuant to subdivisions (1) and (2) of this section, one each shall be selected from the following eight organizations: the North Carolina Farm Bureau Federation, North Carolina State Grange, Tobacco Growers Association of North Carolina, North Carolina Growers Association, Flue-Cured Tobacco Cooperative Stabilization Corporation, Tobacco Fairness Coalition, Burley Stabilization Corporation, Bright Belt Warehouse Association, or their successor organizations. Each appointee must be an active tobacco producer and member of the organization.

The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall choose the directors for these positions in their sole discretion, as provided in the Consent Decree, and shall determine, in their sole discretion, which positions each will appoint. All directors must be residents of North Carolina at the time of their appointment and throughout their tenure on the board.

Section 3. The funds received by the nonprofit corporation from North Carolina's State Specific Account pursuant to the Consent Decree shall be used, as provided in the Consent Decree, to provide economic impact assistance to economically affected tobacco-dependent regions of North Carolina. To carry out this purpose, the nonprofit corporation shall use all of these funds to provide direct and indirect financial assistance, to the extent allowed by law, to tobacco producers, tobacco allotment holders, tobacco manufacturing workers, and other workers displaced from tobacco or tobacco-related employment, in accordance with criteria approved by the board of directors of the nonprofit corporation.

1 Section 4. Chapter 55A of the General Statutes is amended by adding a new
2 section to read:

3 **"§ 55A-3-07. Certain corporations subject to Public Records Act and Open Meetings**

4 **Law.**

5 Any corporation organized under this Chapter under the terms of any consent decree
6 and final judgment in any civil action calling on a state officer to create the corporation,
7 for the purposes of receipt and distribution of funds allocated to the State of North
8 Carolina to provide economic impact assistance on account of one industry, is subject to
9 the Public Records Act (Chapter 132 of the General Statutes) and the Open Meetings
10 Law (Article 33C of Chapter 143 of the General Statutes)."

11 Section 5. This act is effective when it becomes law.