

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS55149-MC~~x~~-92 (2/18)

Short Title: IDF Limitation Modifications. (Public)

Sponsors: Senators Hoyle, and Foriest.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND ECONOMICALLY DISTRESSED COUNTIES TO INCLUDE ALL  
3 TIER ONE AND TIER TWO COUNTIES AND TO INCREASE THE MAXIMUM  
4 EXPENDITURE OF FUNDS FROM THE INDUSTRIAL DEVELOPMENT FUND.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143B-437.01 reads as rewritten:

7 **"§ 143B-437.01. Industrial Development Fund.**

8 (a) Creation and Purpose of Fund. – There is created in the Department of Commerce  
9 the Industrial Development Fund to provide funds to assist the local government units of the  
10 most economically distressed counties in the State in creating jobs in certain industries. The  
11 Department of Commerce shall adopt rules providing for the administration of the program.  
12 Those rules shall include the following provisions, which shall apply to each grant from the  
13 fund:

- 14 (1) The funds shall be used for (i) installation of or purchases of equipment for  
15 eligible industries, (ii) structural repairs, improvements, or renovations of  
16 existing buildings to be used for expansion of eligible industries, or (iii)  
17 construction of or improvements to new or existing water, sewer, gas,  
18 telecommunications, high-speed broadband, electrical utility distribution  
19 lines or equipment, or transportation infrastructure for existing or new or  
20 proposed industrial buildings to be used for eligible industries. To be eligible  
21 for funding, the water, sewer, gas, telecommunications, high-speed  
22 broadband, electrical utility lines or facilities, or transportation infrastructure  
23 shall be located on the site of the building or, if not located on the site, shall  
24 be directly related to the operation of the specific eligible industrial activity.
- 25 (1a) The funds shall be used for projects located in economically distressed  
26 counties except that the Secretary of Commerce may use up to one hundred  
27 thousand dollars (\$100,000) to provide emergency economic development  
28 assistance in any county that is documented to be experiencing a major  
29 economic dislocation.
- 30 (2) The funds shall be used by the city and county governments for projects that  
31 will directly result in the creation of new jobs. The funds shall be expended  
32 at a maximum rate of ~~five thousand dollars (\$5,000)~~ ten thousand dollars  
33 (\$10,000) per new job created up to a maximum of five hundred thousand  
34 dollars (\$500,000) per project.



- 1 (3) There shall be no local match requirement if the project is located in a  
2 county that has one of the 25 highest rankings under G.S. 143B-437.08 or  
3 that has a population of less than 50,000 and more than nineteen percent  
4 (19%) of its population below the federal poverty level according to the most  
5 recent federal decennial census.
- 6 (4) The Department may authorize a local government that receives funds under  
7 this section to use up to two percent (2%) of the funds, if necessary, to verify  
8 that the funds are used only in accordance with law and to otherwise  
9 administer the grant or loan.
- 10 (5) No project subject to the Environmental Policy Act, Article 1 of Chapter  
11 113A of the General Statutes, shall be funded unless the Secretary of  
12 Commerce finds that the proposed project will not have a significant adverse  
13 effect on the environment. The Secretary of Commerce shall not make this  
14 finding unless the Secretary has first received a certification from the  
15 Department of Environment and Natural Resources that concludes, after  
16 consideration of avoidance and mitigation measures, that the proposed  
17 project will not have a significant adverse effect on the environment.
- 18 (6) The funds shall not be used for any nonmanufacturing project that does not  
19 meet the wage standard set out in G.S. 105-129.4(b).
- 20 (a1) Definitions. – The following definitions apply in this section:
- 21 (1) Air courier services. – Defined in G.S. 105-129.81.
- 22 (2) Repealed by Session Laws 2006-252, s. 2.4, effective January 1, 2007.
- 23 (2a) Company headquarters. – Defined in G.S. 105-129.81.
- 24 (3) Repealed by Session Laws 2006-252, s. 2.4, effective January 1, 2007.
- 25 (4) Economically distressed county. – A county that ~~has one of the 65 highest~~  
26 ~~rankings~~ is defined as a tier one or tier two county under G.S. 143B-437.08  
27 after the adjustments of that section are applied.
- 28 (5) Eligible industry. – A company headquarters or a person engaged in the  
29 business of air courier services, information technology and services,  
30 manufacturing, or warehousing and wholesale trade.
- 31 (6) Information technology and services. – Defined in G.S. 105-129.81.
- 32 (7) Major economic dislocation. – The actual or imminent loss of 500 or more  
33 manufacturing jobs in the county or of a number of manufacturing jobs equal  
34 to at least ten percent (10%) of the existing manufacturing workforce in the  
35 county.
- 36 (8) Manufacturing. – Defined in G.S. 105-129.81.
- 37 (9) Reserved.
- 38 (10) Warehousing. – Defined in G.S. 105-129.81.
- 39 (11) Wholesale trade. – Defined in G.S. 105-129.81.
- 40 (b) Repealed by Session Laws 1996, Second Extra Session, c. 13, s. 3.5.
- 41 (b1) Utility Account. – There is created within the Industrial Development Fund a  
42 special account to be known as the Utility Account to provide funds to assist the local  
43 government units of the counties that ~~have one of the 65 highest rankings~~ is defined as a tier one  
44 or tier two county under G.S. 143B-437.08 after the adjustments of that section are applied in  
45 creating jobs in eligible industries. The Department of Commerce shall adopt rules providing  
46 for the administration of the program. Except as otherwise provided in this subsection, those  
47 rules shall be consistent with the rules adopted with respect to the Industrial Development  
48 Fund. The rules shall provide that the funds in the Utility Account may be used only for  
49 construction of or improvements to new or existing water, sewer, gas, telecommunications,  
50 high-speed broadband, electrical utility distribution lines or equipment, or transportation  
51 infrastructure for existing or new or proposed industrial buildings to be used for eligible

1 industrial operations. To be eligible for funding, the water, sewer, gas, telecommunications,  
2 high-speed broadband, electrical utility lines or facilities, or transportation infrastructure shall  
3 be located on the site of the building or, if not located on the site, shall be directly related to the  
4 operation of the specific industrial activity. There shall be no maximum funding amount per  
5 new job to be created or per project.

6 (c) Reports. – The Department of Commerce shall report annually to the General  
7 Assembly concerning the applications made to the fund and the payments made from the fund  
8 and the impact of the payments on job creation in the State. The Department of Commerce  
9 shall also report quarterly to the Joint Legislative Commission on Governmental Operations  
10 and the Fiscal Research Division on the use of the moneys in the fund, including information  
11 regarding to whom payments were made, in what amounts, and for what purposes.

12 (c1) In addition to the reporting requirements of subsection (c) of this section, the  
13 Department of Commerce shall report annually to the General Assembly concerning the  
14 payments made from the Utility Account and the impact of the payments on job creation in the  
15 State. The Department of Commerce shall also report quarterly to the Joint Legislative  
16 Commission on Governmental Operations and the Fiscal Research Division on the use of the  
17 moneys in the Utility Account including information regarding to whom payments were made,  
18 in what amounts, and for what purposes.

19 (d) Repealed by Session Laws 1996, Second Extra Session, c. 13, s. 3.5."

20 **SECTION 2.** This act becomes effective July 1, 2009.