

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE DRS85175-MC-57A* (2/4)

Short Title: Multijurisdictional Industrial Park Exception. (Public)

Sponsors: Senator Swindell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A NEW MULTIJURISDICTIONAL INDUSTRIAL PARK
3 EXCEPTION.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143B-437.08 is amended by adding a new subsection to read:

6 **"§ 143B-437.08. Development tier designation.**

7 (a) Tiers Defined. – A development tier one area is a county whose annual ranking is
8 one of the 40 highest in the State. A development tier two area is a county whose annual
9 ranking is one of the next 40 highest in the State. A development tier three area is a county that
10 is not in a lower-numbered development tier.

11 (b) Development Factor. – Each year, on or before November 30, the Secretary of
12 Commerce shall assign to each county in the State a development factor that is the sum of the
13 following:

- 14 (1) The county's rank in a ranking of counties by average rate of unemployment
15 from lowest to highest, for the most recent 12 months for which data are
16 available.
- 17 (2) The county's rank in a ranking of counties by median household income
18 from highest to lowest, for the most recent 12 months for which data are
19 available.
- 20 (3) The county's rank in a ranking of counties by percentage growth in
21 population from highest to lowest, for the most recent 36 months for which
22 data are available.
- 23 (4) The county's rank in a ranking of counties by adjusted assessed property
24 value per capita as published by the Department of Public Instruction, from
25 highest to lowest, for the most recent taxable year.

26 (c) Annual Ranking. – After computing the development factor as provided in this
27 section and making the adjustments required in this section, the Secretary of Commerce shall
28 rank all the counties within the State according to their development factor from highest to
29 lowest. The Secretary shall then identify all the areas of the State by development tier and
30 publish this information. A development tier designation is effective only for the calendar year
31 following the designation.

32 (d) Data. – In measuring rates of unemployment and median household income, the
33 Secretary shall use the latest available data published by a State or federal agency generally
34 recognized as having expertise concerning the data. In measuring population and population
35 growth, the Secretary shall use the most recent estimates of population certified by the State



1 Budget Officer. For the purposes of this section, population statistics do not include people
2 incarcerated in federal or State prisons.

3 (e) Adjustment for Certain Small Counties. – Regardless of the actual development
4 factor, any county that has a population of less than 12,000 shall automatically be ranked one of
5 the 40 highest counties, any county that has a population of less than 50,000 shall automatically
6 be ranked one of the 80 highest counties, and any county that has a population of less than
7 50,000 and more than nineteen percent (19%) of its population below the federal poverty level
8 according to the most recent federal decennial census shall automatically be ranked one of the
9 40 highest counties.

10 (f) Adjustment for Development Tier One Areas. – Regardless of the actual
11 development factor, a county designated as a development tier one area shall automatically be
12 ranked one of the 40 highest counties until it has been a development tier one area for at least
13 two consecutive years.

14 (f1) Adjustment for Seafood Industrial Park Authority. – Regardless of the actual
15 development factor of the county in which it is located, an industrial park shall automatically be
16 treated as being located in a county ranked one of the 40 highest counties if it meets all of the
17 following conditions:

18 (1) It is owned by the North Carolina Seafood Industrial Park Authority created
19 pursuant to G.S. 113-315.25.

20 (2) It is located in a coastal county or in a county accessible by a navigable
21 waterway to a river, estuary, sound, or intercoastal waterway that has water
22 access to the Atlantic Ocean.

23 (g) Exception for Two-County Industrial Park. – An eligible two-county industrial park
24 has the lower development tier designation of the designations of the two counties in which it is
25 located if it meets all of the following conditions:

26 (1) It is located in two contiguous counties, one of which has a lower
27 development tier designation than the other.

28 (2) At least one-third of the park is located in the county with the lower tier
29 designation.

30 (3) It is owned by the two counties or a joint agency of the counties, is under
31 contractual control of designated agencies working on behalf of both
32 counties, or is subject to a development agreement between both counties
33 and third-party owners.

34 (4) The county with the lower tier designation contributed at least the lesser of
35 one-half of the cost of developing the park or a proportion of the cost of
36 developing the park equal to the proportion of land in the park located in the
37 county with the lower tier designation.

38 (h) Exception for Certain Multijurisdictional Industrial Parks. – An eligible industrial
39 park created by interlocal agreement under G.S. 158-7.4, and parcels of land located within the
40 industrial park that are subsequently transferred and used for industrial or commercial purposes
41 authorized for cities and counties under G.S. 158-7.1, have the lowest development tier
42 designation of the designations of the counties in which they are located if all of the following
43 conditions are satisfied:

44 (1) The industrial park is located, at one or more sites, in three or more
45 contiguous counties.

46 (2) At least one of the counties in which the industrial park is located is a
47 development tier one area.

48 (3) The industrial park is owned by three or more units of local government or a
49 nonprofit corporation owned or controlled by three or more units of local
50 government.

- 1 (4) In each county in which the industrial park is located, the park has at least
2 250 developable acres. A transfer of acreage that reduces the number of
3 developable acres below 250 developable acres in a county does not affect
4 an industrial park's eligibility under this subsection if the transfer is to an
5 owner who uses or develops the acreage for industrial or commercial
6 purposes authorized for cities and counties under G.S. 158-7.1. For the
7 purposes of this subdivision, "developable acres" includes acreage that is
8 owned directly by the industrial park or its owners or that is the subject of a
9 development agreement between the industrial park or its owners and a
10 third-party owner.
- 11 (5) The total population of all of the counties in which the industrial park is
12 located is less than 200,000.
- 13 (6) In each county in which the industrial park is located, at least sixteen and
14 eight-tenths percent (16.8%) of the population was Medicaid eligible for the
15 2003-2004 fiscal year based on 2003 population estimates."

16 **SECTION 2.** This act is effective when it becomes law.