

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**SENATE BILL 1054\***

Short Title:   Multijurisdictional Industrial Park Exception. (Public)

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Sponsors:    Senators Swindell; and Hoyle.

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Referred to:   Finance.

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March 31, 2009

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

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

(d) Data. – In measuring rates of unemployment and median household income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population and population growth, the Secretary shall use the most recent estimates of population certified by the State Budget Officer. For the purposes of this section, population statistics do not include people incarcerated in federal or State prisons.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (4) In each county in which the industrial park is located, the park has at least  
50 250 developable acres. A transfer of acreage that reduces the number of  
51 developable acres below 250 developable acres in a county does not affect

- 1 an industrial park's eligibility under this subsection if the transfer is to an  
2 owner who uses or develops the acreage for industrial or commercial  
3 purposes authorized for cities and counties under G.S. 158-7.1. For the  
4 purposes of this subdivision, "developable acres" includes acreage that is  
5 owned directly by the industrial park or its owners or that is the subject of a  
6 development agreement between the industrial park or its owners and a  
7 third-party owner.
- 8 (5) The total population of all of the counties in which the industrial park is  
9 located is less than 200,000.
- 10 (6) In each county in which the industrial park is located, at least sixteen and  
11 eight-tenths percent (16.8%) of the population was Medicaid eligible for the  
12 2003-2004 fiscal year based on 2003 population estimates."
- 13 **SECTION 2.** This act is effective when it becomes law.