

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 841*
Committee Substitute Favorable 6/8/11

Short Title: Global TransPark Gov. Reform & Loan Repayment.

(Public)

Sponsors:

Referred to:

April 7, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO REFORM THE GOVERNANCE OF THE NORTH CAROLINA GLOBAL
3 TRANSPARK AND TO REPAY THE LOAN FROM THE ESCHEAT FUND TO THE
4 GLOBAL TRANSPARK.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 63A-3(a) reads as rewritten:

7 "(a) Creation. The North Carolina Global TransPark Authority is created as a body
8 corporate and politic having the powers and jurisdiction as provided under this Chapter or any
9 other law. The Authority is a State agency created to perform essential governmental and
10 public functions. The Authority shall be located within the Department of Transportation, but
11 shall exercise all of its powers, including the power to employ, direct, and supervise all
12 personnel, independently of the Secretary of Transportation and, notwithstanding any other
13 provision of law, Transportation and shall be subject to the direction and supervision of the
14 Secretary only with respect to the management functions of coordinating and reporting.
15 Secretary."

16 SECTION 1.(b) G.S. 63A-3(b) reads as rewritten:

17 "(b) Board of Directors. The Authority shall be governed by a Board of Directors. The
18 Board shall consist of at least the following 20 members:

19 (1) ~~Seven~~ Six members appointed by the Governor. One member shall be
20 representative of the economic development industry, two members shall be
21 representative of commercial real estate development industry, two members
22 shall be representative of the banking and finance industry, and one member
23 shall be representative of environmental interests. Of the Governor's six
24 appointments, at least one member shall come from each of the State's three
25 regions: Western, Piedmont, and Eastern.

26 (2) Three members appointed by the General Assembly upon the
27 recommendation of the Speaker of the House of Representatives in
28 accordance with G.S. 120-121. One member shall be representative of the
29 aerospace and aviation industry, one member shall be representative of
30 advanced manufacturing industries, and one member shall be representative
31 of the logistics and supply chain management industry.

32 (3) Three members appointed by the General Assembly upon the
33 recommendation of the President Pro Tempore of the Senate in accordance
34 with G.S. 120-121. One member shall be representative of the aerospace and
35 aviation industry, one member shall be representative of the emergency
36 response and disaster relief industries, and one member shall be
37 representative of the defense and security industry.



- 1 (4) The State Treasurer, who shall serve as an ex officio nonvoting member.
- 2 (5) The President of the North Carolina System of Community Colleges,
- 3 provided that the President of the North Carolina Community Colleges may
- 4 instead appoint to the Board of Directors one member of the board of
- 5 trustees of a community college or one president of a community college. If
- 6 such an appointment is made, the appointee shall serve at the pleasure of the
- 7 President.
- 8 (6) The President of The University of North Carolina, provided that the
- 9 President of the University of North Carolina may instead appoint to the
- 10 Board of Directors one member of the board of trustees of a constituent
- 11 institution of The University of North Carolina, or one chancellor of a
- 12 constituent institution of The University of North Carolina. If such an
- 13 appointment is made, the appointee shall serve at the pleasure of the
- 14 President.
- 15 (7) The Chairman of the State Ports Authority.
- 16 (8) One member appointed by the board of county commissioners of any county
- 17 in which the cargo airport complex site is located.
- 18 (9) One member appointed by the city council of the city which is a county seat
- 19 of any county in which the cargo airport complex site is located.
- 20 (10) The Commissioner of Agriculture.
- 21 (11) The Secretary of the Department of Commerce.

22 Within 90 days after the Authority acquires land, either by purchase or condemnation, for
23 development as part of a cargo airport complex site, the board of county commissioners in any
24 county in which a portion of the land is located and the city council of the city which is the
25 county seat of the county shall, by resolution, each appoint a person to serve as a member of the
26 Board. If the board of commissioners or the city council appoints one of its own members to
27 the Board, the county commissioner or the member of the city council who is appointed is
28 considered to be serving on the Board as an ex officio voting member as part of the duties of
29 the office of county commissioner or the office of city council member, in accordance with
30 G.S. 128-1.2, and is not considered to be serving in a separate office. Notwithstanding
31 G.S. 116-31(h), a member of the board of trustees of a constituent institution of The University
32 of North Carolina appointed to the Board of Directors under subdivision (6) of this subsection
33 may concurrently serve on the board of trustees and the Board of Directors. Notwithstanding
34 any other provision of law, the Governor may serve on the Board of Directors by his own
35 appointment on or after July 16, 1991, under subdivision (1) of this subsection.

36 As the holder of an office, each member of the Board shall take the oath required by Article
37 VI, § 7 of the North Carolina Constitution before assuming the duties of a Board member."

38 **SECTION 1.(c)** G.S. 63A-3(c) is repealed.

39 **SECTION 1.(d)** G.S. 63A-3 is amended by adding a new subsection to read as
40 follows:

41 "(d1) Notwithstanding the terms of board members appointed by the General Assembly as
42 specified in subsection (d) of this section, terms of board members appointed by the General
43 Assembly shall end June 30, 2011. After June 30, 2011, the six members appointed by the
44 General Assembly shall be divided into two classes. The first class shall consist of three
45 persons, two of whom shall be appointed upon recommendation of the Speaker of the House of
46 Representatives and one of whom shall be appointed upon recommendation of the President
47 Pro Tempore of the Senate, to serve an initial term expiring June 30, 2013, with subsequent
48 terms expiring each fourth June 30th thereafter. The second class shall consist of three persons,
49 two of whom shall be appointed upon recommendation of the President Pro Tempore of the
50 Senate and one of whom shall be appointed upon recommendation of the Speaker of the House

1 of Representatives, to serve an initial term expiring June 30, 2015, with subsequent terms
2 expiring each fourth June 30th thereafter."

3 **SECTION 1.(e)** G.S. 63A-24(3) reads as rewritten:

4 "(3) Except for G.S. 146-29.1, 146-79, and 146-80, Chapter 146 of the General
5 Statutes does not apply to the Authority. Notwithstanding this exemption
6 from Chapter 146 of the General Statutes, the Secretary of Transportation
7 may designate employees of the Authority as subject to Chapter 146 of the
8 General Statutes."

9 **SECTION 2.(a)** There is hereby transferred from the General Fund to the Escheat
10 Fund the sum of seventeen million five hundred thousand dollars (\$17,500,000) as a payment
11 on the outstanding loan from the Escheat Fund to the Global TransPark Authority authorized
12 under G.S. 63A-4(a)(22) and G.S. 147-69.2(b)(11).

13 **SECTION 2.(b)** If House Bill 200 of the 2011 Regular Session becomes law, then
14 Section 9.8(a) of that act reads as rewritten:

15 "**SECTION 9.8.(a)** There is appropriated from the Escheat Fund income to the Board of
16 Governors of The University of North Carolina the sum of ~~thirty-two million one hundred~~
17 ~~twenty-two thousand two hundred forty-two dollars (\$32,122,242)~~ forty-nine million six
18 hundred twenty-two thousand two hundred forty-two dollars (\$49,622,242) for the 2011-2012
19 fiscal year and the sum of thirty-two million one hundred twenty-two thousand two hundred
20 forty-two dollars (\$32,122,242) for the 2012-2013 fiscal year to be used for The University of
21 North Carolina Need-Based Financial Aid Program. Notwithstanding the provisions of the N.C.
22 Senate Appropriations Committee Report on the Continuation, Expansion, and Capital Budgets
23 dated May 31, 2011, the appropriation from the General Fund for the UNC Need-Based
24 Financial Aid Program shall be reduced by the sum of seventeen million five hundred thousand
25 dollars (\$17,500,000), nonrecurring, in fiscal year 2011-2012."

26 **SECTION 3.** Any monies received from a grant made on or after July 1, 2011, by
27 The Golden Leaf (Long-Term Economic Advancement Foundation), Inc., to the Global
28 TransPark Authority shall be first applied to the payment of any outstanding loan from the
29 Escheat Fund to the Global TransPark Authority authorized under G.S. 63A-4(a)(22) and
30 G.S. 147-69.2(b)(11).

31 **SECTION 4.(a)** If House Bill 200 of the 2011 Regular Session becomes law, then
32 Section 6.10 of that act is repealed.

33 **SECTION 4.(b)** G.S. 147-69.2(b)(11), as amended by Section 7 of S.L. 2005-144,
34 Section 2 of S.L. 2005-201, Section 28.17 of S.L. 2005-276, Section 27.7 of S.L. 2007-323,
35 and Section 25.2 of S.L. 2009-451, reads as rewritten:

36 "(b) It shall be the duty of the State Treasurer to invest the cash of the funds enumerated
37 in subsection (a) of this section in excess of the amount required to meet the current needs and
38 demands on such funds, selecting from among the following:

39 ...

40 (11) With respect to assets of the Escheat Fund, obligations of the North Carolina
41 Global TransPark Authority authorized by G.S. 63A-4(a)(22), not to exceed
42 twenty-five million dollars (\$25,000,000), that have a final maturity not later
43 than October 1, ~~2011~~, 2012. The obligations shall bear interest at the rate set
44 by the State Treasurer. No commitment to purchase obligations may be
45 made pursuant to this subdivision after September 1, 1993, and no
46 obligations may be purchased after September 1, 1994. In the event of a loss
47 to the Escheat Fund by reason of an investment made pursuant to this
48 subdivision, it is the intention of the General Assembly to hold the Escheat
49 Fund harmless from the loss by appropriating to the Escheat Fund funds
50 equivalent to the loss.

1 If any part of the property owned by the North Carolina Global
2 TransPark Authority now or in the future is divested, proceeds of the
3 divestment shall be used to fulfill any unmet obligations on an investment
4 made pursuant to this subdivision."
5

SECTION 5. This act becomes effective July 1, 2011.