

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1423*

Short Title: IDF Eligibility Modifications. (Public)

Sponsors: Representatives Hilton, R. Warren, Setzer (Primary Sponsors); and Frye.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Finance.

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE ELIGIBILITY REQUIREMENTS FOR THE INDUSTRIAL
3 DEVELOPMENT FUND.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 143B-437.01. Industrial Development Fund.**

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

13 ...

14 (2) The funds shall be used by the city and county governments for projects that
15 will directly result in the creation of new jobs. The funds shall be expended
16 at a maximum rate of ~~five~~ fifteen thousand dollars ~~(\$5,000)~~ (\$15,000) per
17 new job created in a tier one county, a maximum rate of ten thousand dollars
18 (\$10,000) per new job created in a tier two county, and up to a maximum
19 rate of five hundred seven hundred fifty thousand dollars
20 ~~(\$500,000)~~ (\$750,000) per project.

21 ...

22 (6) The funds shall not be used for any nonmanufacturing project that does not
23 meet the wage standard set out in ~~G.S. 105-129.4(b)~~ G.S. 105-129.83(c).

24 (a1) Definitions. – The following definitions apply in this section:

25 (1) ~~Air courier services. – Defined in G.S. 105-129.81.~~

26 (2) Repealed by Session Laws 2006-252, s. 2.4, effective January 1, 2007.

27 (2a) ~~Company headquarters. – Defined in G.S. 105-129.81.~~

28 (3) Repealed by Session Laws 2006-252, s. 2.4, effective January 1, 2007.

29 (4) Economically distressed county. – A county that ~~has one of the 65 highest~~
30 rankings ~~is defined as a tier one or tier two county~~ under G.S. 143B-437.08
31 after the adjustments of that section are applied.

32 (5) Eligible industry. – ~~A company headquarters or a person engaged in the~~
33 ~~business of air courier services, information technology and services,~~
34 ~~manufacturing, or warehousing and wholesale trade.~~ Defined in
35 G.S. 143B-437.53.

36 (6) ~~Information technology and services. – Defined in G.S. 105-129.81.~~



- 1 (7) Major economic dislocation. – The actual or imminent loss of 500 or more
2 manufacturing jobs in the county or of a number of manufacturing jobs equal
3 to at least ten percent (10%) of the existing manufacturing workforce in the
4 county.
- 5 (8) ~~Manufacturing. – Defined in G.S. 105-129.81.~~
- 6 (9) Reserved.
- 7 (10) ~~Warehousing. – Defined in G.S. 105-129.81.~~
- 8 (11) ~~Wholesale trade. – Defined in G.S. 105-129.81.~~
- 9 (b) Repealed by Session Laws 1996, Second Extra Session, c. 13, s. 3.5.
- 10 (b1) Utility Account. – There is created within the Industrial Development Fund a
11 special account to be known as the Utility Account to provide funds to assist the local
12 government units of the counties that ~~have one of the 65 highest rankings~~ are defined as tier one
13 or tier two counties under G.S. 143B-437.08 after the adjustments of that section are applied in
14 creating jobs in eligible industries. The Department of Commerce shall adopt rules providing
15 for the administration of the program. Except as otherwise provided in this subsection, those
16 rules shall be consistent with the rules adopted with respect to the Industrial Development
17 Fund. The rules shall provide that the funds in the Utility Account may be used only for
18 construction of or improvements to new or existing water, sewer, gas, telecommunications,
19 high-speed broadband, electrical utility distribution lines or equipment, or transportation
20 infrastructure for existing or new or proposed industrial buildings to be used for eligible
21 industrial operations. To be eligible for funding, the water, sewer, gas, telecommunications,
22 high-speed broadband, electrical utility lines or facilities, or transportation infrastructure shall
23 be located on the site of the building or, if not located on the site, shall be directly related to the
24 operation of the specific industrial activity. There shall be no maximum funding amount per
25 new job to be created or per project.
- 26 "
- 27 **SECTION 2.** This act becomes effective July 1, 2009.