

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 808\*  
Corrected Copy 5/22/12  
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Short Title: Changes to Commerce Reporting Requirements. (Public)

Sponsors: Senators Brown (Primary Sponsor); Gunn, Hunt, Jackson, McKissick, Meredith,  
Newton, Rucho, Stein, Tillman, Tucker, and Vaughan.

Referred to: Commerce.

May 21, 2012

A BILL TO BE ENTITLED

AN ACT TO MODERNIZE THE REQUIREMENTS OF THE COMPREHENSIVE  
STRATEGIC ECONOMIC DEVELOPMENT PLAN AND TO SIMPLIFY AND  
STREAMLINE OTHER REPORTING REQUIREMENTS FOR THE DEPARTMENT OF  
COMMERCE.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-434.01 reads as rewritten:

**"§ 143B-434.01. Comprehensive Strategic Economic Development Plan.**

...

(e) ~~Environmental Scan.~~ – The first step in developing the Plan shall be to develop an environmental scan based on the input from economic development parties and the public and on information about the economic environment in North Carolina. To prepare the scan, the Board shall gather the following information. ~~Thereafter, the information shall be updated periodically.~~ information and ensure that the information is updated periodically. The updated information may be provided in whatever format and through whatever means is most efficient.

...

(f) ~~Needs Assessment.~~ – ~~The Board, using data from the public input sessions and the environmental scan, shall prepare an assessment of economic development strengths, weaknesses, threats, and opportunities within the State by Region and by county. An assessment shall also be conducted of each county to determine distressed areas existing within the county. The assessment will include the identification of key development issues within each geographic area and options available to address each issue.~~

...

(k) ~~Annual Report.~~ Evaluation. – ~~The Plan shall contain a section devoted to measuring results, to be called "An Annual Report on Economic Development for the State of North Carolina". The Annual Report shall contain a comparison of actual results with~~ The Board shall annually evaluate the State's economic performance based upon the statistics listed in this subsection and upon the Board's stated goals and objectives in its Plan. and significant and meaningful statistics to allow policymakers to adjust strategy and tactics as necessary to achieve the formulated goals. The statistics upon which the evaluation is made should be available to policymakers. The information may be provided in whatever format and through whatever means is most efficient.

~~The Annual Report shall break down data by Regions and counties including:~~

...



1           (9) ~~An evaluation of the State's economic performance as indicated by the above~~  
2           ~~statistics with the goals and objectives outlined in the Plan.~~

3           (l) Accountability. – The Board shall make all data, plans, and reports available to the  
4 ~~General Assembly and Assembly,~~ the Joint Legislative Commission on Governmental  
5 ~~Operations—Operations,~~ and the Joint Legislative Economic Development and Global  
6 ~~Engagement Oversight Committee~~ at appropriate times and upon request. The Board shall  
7 prepare and make available on an annual basis public reports on each of the major sections of  
8 the Plan and the Annual Report indicating the degree of success in attaining each development  
9 objective."

10           **SECTION 2.** G.S. 143B-435.1 reads as rewritten:

11           "**§ 143B-435.1. Clawbacks.**

12           ...  
13           (d) Report. – ~~The~~ By April 1 and October 1 of each year, the Department of Commerce  
14 shall report to the Revenue Laws Study ~~Committee by April 1 and October 1 of each year~~  
15 Committee, the Joint Legislative Commission on Governmental Operations, and the Fiscal  
16 Research Division on (i) all clawbacks that have been triggered under ~~programs it administers~~  
17 the One North Carolina Fund established pursuant to G.S. 143B-437.71, the Job Development  
18 Investment Grant Program established pursuant to G.S. 143B-437.52, Job Maintenance and  
19 Capital Development Fund established pursuant to G.S. 143B-437.012, the Industrial  
20 Development Fund and Utility Account established pursuant to G.S. 143B-437.01, and the Site  
21 Infrastructure Fund established pursuant to G.S. 143B-437.02 and (ii) its progress on obtaining  
22 repayments. The report must include the name of each business, the event that triggered the  
23 clawback, and the amount forfeited or to be repaid."

24           **SECTION 3.** G.S. 143B-437.01(c) and (c1) are repealed.

25           **SECTION 4.** G.S. 143B-437.07 reads as rewritten:

26           "**§ 143B-437.07. Economic development grant reporting.**

27           (a) Report. – The Department of Commerce must publish on or before ~~March~~ October 1  
28 of each year the information required by this subsection, itemized by business entity, for each  
29 business or joint private venture to which the State has, in whole or in part, granted one or more  
30 economic development incentives during the previous ~~five calendar years.~~ The Department  
31 must provide the General Assembly with updated supplemental information consistent with this  
32 subsection on a quarterly basis in the form and manner requested by the General Assembly.  
33 fiscal year. The information in the report must include all of the following:

34           ...  
35           (2) The date of the award and the date of the award agreement.

36           ...  
37           (b) ~~Online Posting-~~ Posting/Written Submission. – The Department of Commerce must  
38 post on its Internet Web site a summary of the report compiled in subsection (a) of this section.  
39 The summary report must include the information required by subdivisions (2), (9), (11), and  
40 (12) of subsection (a) of this section. By October 1 of each year, the Department of Commerce  
41 must submit the written report required by subsection (a) of this section to the Joint Legislative  
42 Commission on Governmental Operations, the Joint Legislative Economic Development and  
43 Global Engagement Oversight Committee, the Revenue Laws Study Committee, and the Fiscal  
44 Research Division of the General Assembly.

45           (c) Economic Development Incentive. – An economic development incentive includes  
46 any grant ~~program administered by the Department of Commerce that disburses or awards~~  
47 ~~monies to businesses. Examples of these grant programs include the~~ from the following  
48 programs: Job Development Investment Grant Program, Programs; the Job Maintenance and  
49 Capital Development Fund, Fund; One North Carolina Fund, Fund; and the Industrial  
50 Development Fund, including the Utility Account. The State also incents economic  
51 development through the use of tax expenditures in the form of tax credits and refunds. The

1 Department of Revenue must report annually on these statutory economic development  
2 incentives, as required under G.S. 105-256."

3 **SECTION 5.** G.S. 143B-437.08 reads as rewritten:

4 "**§ 143B-437.08. Development tier designation.**

5 ...

6 (k) Report. – By November 30 of each year, the Secretary of Commerce shall submit a  
7 written report to the Joint Legislative Commission on Governmental Operations and the Fiscal  
8 Research Division on the tier rankings required by subsection (c) of this section, including a  
9 map of the State whereupon the tier ranking of each county is designated."

10 **SECTION 6.** G.S. 143B-437.55(d) is repealed.

11 **SECTION 7.** This act is effective when it becomes law.