

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1799

Short Title: JDIG - Transportation Infrastructure Fund. (Public)

Sponsors: Representatives Weiss, Luebke, Jones (Primary Sponsors); Alexander, Bordsen, Bryant, Carney, Coleman, England, Fisher, Glazier, Hall, T. Harrell, Harrison, Insko, McGee, Ross, Samuelson, and Starnes.

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

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO DIRECT SOME OF THE FUNDS AVAILABLE UNDER THE JOB DEVELOPMENT INVESTMENT GRANT PROGRAM TOWARDS TRANSPORTATION INFRASTRUCTURE DEVELOPMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-437.52(c) reads as rewritten:

"(c) Ceiling. – Except as provided in this section, the maximum amount of total annual liability for grants for agreements entered into in any single calendar year, including amounts transferred to the Utility Account pursuant to ~~G.S. 143B-437.61~~, 143B-437.61 and to the JDIG Transportation Infrastructure Fund pursuant to G.S. 143B-437.64, may not exceed fifteen million dollars (\$15,000,000). The maximum amount of total annual liability for grants for agreements entered into in 2006, including amounts transferred to the Utility Account pursuant to G.S. 143B-437.61, may not exceed thirty million dollars (\$30,000,000). No agreement may be entered into that, when considered together with other existing agreements entered into during that calendar year, could cause the State's potential total annual liability for grants entered into in that calendar year to exceed this amount."

SECTION 2. G.S. 143B-437.55(c)(13) reads as rewritten:

"(c) Annual Reports. – The Committee shall publish a report on the Job Development Investment Grant Program on or before April 30 of each year. The report shall include the following:

...

(13) The total ~~amount~~ amounts transferred under this Part during the preceding year to the Utility Account of the Industrial Development Fund ~~under this Part during the preceding year.~~ and to the JDIG Transportation Infrastructure Fund."

1 **SECTION 3.** G.S. 143B-437.56(d) reads as rewritten:

2 "(d) For any eligible position that is located in a development tier three area,
3 ~~seventy five percent (75%)~~fifty-five percent (55%) of the annual grant approved for
4 disbursement shall be payable to the business, ~~and twenty-five percent (25%)~~
5 payable to the Utility Account pursuant to G.S. ~~143B-437.61~~143B-437.61, and ~~twenty~~
6 percent (20%) shall be payable to the JDIG Transportation Infrastructure Fund pursuant
7 to G.S. ~~143B-437.64~~. For any eligible position that is located in a development tier two
8 area, ~~eighty-five percent (85%)~~ of the annual grant approved for disbursement shall be
9 payable to the business, and ~~fifteen percent (15%)~~ shall be payable to the Utility
10 Account pursuant to G.S. 143B-437.61. A position is located in the development tier
11 area that has been assigned to the county in which the project is located at the time the
12 application is filed with the Committee."

13 **SECTION 4.** G.S. 143B-437.56(f) reads as rewritten:

14 "(f) The amount of a grant associated with any specific eligible position,
15 including any amount transferred to the Utility Account pursuant to
16 G.S. ~~143B-437.61~~143B-437.61 or to the JDIG Transportation Infrastructure Fund
17 pursuant to G.S. ~~143B-437.64~~, may not exceed six thousand five hundred dollars
18 (\$6,500) in any year."

19 **SECTION 5.** G.S. 143B-437.57(a)(23) reads as rewritten:

20 "(a) Terms. – Each community economic development agreement shall include at
21 least the following:

22 ...

23 (23) A provision stating that the amount of a grant associated with any
24 specific eligible position, including any amount transferred to the
25 Utility Account pursuant to G.S. ~~143B-437.61~~143B-437.61 and to the
26 JDIG Transportation Infrastructure Fund pursuant to
27 G.S. 143B-437.64, may not exceed six thousand five hundred dollars
28 (\$6,500) in any year."

29 **SECTION 6.** G.S. 143B-437.61 reads as rewritten:

30 "**§ 143B-437.61. Transfer to Industrial Development Fund.**

31 At the time the Department of Commerce remits a check to a business under
32 G.S. 143B-437.60, the Department of Commerce shall transfer to the Utility Account of
33 the Industrial Development Fund ~~an amount equal to the amount certified by the~~
34 ~~Committee as the difference between the amount of the grant and the amount of the~~
35 ~~grant for which the business would be eligible without regard to~~any amount required to
36 be transferred to the Account under G.S. 143B-437.56(d)."

37 **SECTION 7.** Part 2G of Article 10 of Chapter 143B of the General Statutes
38 is amended by adding a new section to read:

39 "**§ 143B-437.64. JDIG Transportation Infrastructure Fund.**

40 (a) Establishment; Use. – The JDIG Transportation Infrastructure Fund is
41 established as a special revenue fund in the Department of Transportation. Fifty percent
42 (50%) of the moneys in the Fund shall be used to fund approved projects in the
43 Transportation Improvement Program, and the remainder shall be used to fund local
44 transportation infrastructure projects. The Fund shall be segregated into separate

1 accounts for each county, and the funds in an account may be used only for approved
2 projects located in that county. Amounts transferred to the Fund under
3 G.S. 143B-437.56 shall be placed into the account of the county in which the business
4 that generated that amount is located. Units of local government may apply to the
5 Department of Transportation for funds that are reserved for transportation
6 infrastructure projects in the county served by the unit of local government.

7 (b) Transfer to Fund. – At the time the Department of Commerce remits a check
8 to a business under G.S. 143B-437.60, the Department of Commerce shall transfer to
9 the Fund any amount required to be transferred to the Fund under G.S. 143B-437.56(d).

10 (c) Nonsupplant Restriction. – Moneys in the Fund are intended to supplement
11 and not supplant existing funding. Allocations from the Fund for approved projects shall
12 not affect allocations of funds under the Highway Fund or Highway Trust Fund."

13 **SECTION 8.** This act becomes effective July 1, 2007, and applies to
14 agreements entered into on or after that date.