

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 489

Short Title: Commerce Tracks Job Creation/Public Database. (Public)

Sponsors: Senators Rucho; Apodaca, Brock, Brown, Clary, Hartsell, Hise, and Rouzer.

Referred to: Finance.

April 4, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN AN  
3 ONLINE PUBLIC DATABASE AND TO POST INFORMATION ON THE INTERNET  
4 MEASURING JOB CREATION, RETENTION, AND WAGE ATTAINMENT IN  
5 NORTH CAROLINA RESULTING FROM STATE AND LOCAL GOVERNMENT  
6 ECONOMIC DEVELOPMENT INCENTIVES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 10 of Chapter 143B of the General Statutes is amended by  
9 adding a new Part to read:

10 "Part 2L. Monitor and Assess Job Creation.

11 **"§ 143B-433.1. Department of Commerce – Public database of job creation, retention, and**  
12 **wage information.**

13 (a) Database. – The Department of Commerce shall create and maintain an electronic  
14 database available to the general public on the Internet that contains data on each business or  
15 joint private venture that the State, in whole or in part, has granted any discretionary economic  
16 development incentive after January 1, 2005, but not to include any project while under  
17 development or during competition with another state or nation.

18 (b) For the purposes of this Part, "economic incentives" includes, but is not limited to,  
19 any incentive provided through any of the following sources, or any successor to any of these  
20 sources:

21 (1) The Job Development Investment Grant.

22 (2) The One North Carolina Fund.

23 (c) The Department of Commerce shall update the database quarterly. The public  
24 Internet interface to the database must allow the user to search and prepare custom reports  
25 through an interactive menu and through a full text search engine. At a minimum, the data must  
26 contain all of the following:

27 (1) A unique project identification number and a unique descriptor or title.

28 (2) The date of the award agreement.

29 (3) The name, mailing address, telephone number, and Web site of the business  
30 recipient, or recipients if a joint venture, and the physical location (or the  
31 county if undecided) of the site receiving the incentive.

32 (4) The name and title of at least two State officials or employees who may  
33 provide further information.

34 (5) The Department of Commerce tier designation of the county of physical  
35 location on the date awarded.

36 (6) The North American Industry Classification System six digit code and  
37 NAICS category of business receiving the incentive.



- 1           (7)    Text of any letter or public announcement of the incentive by the Governor  
2           or Department of Commerce.
- 3           (8)    The sources and dollar value of State incentives by program name.
- 4           (9)    The sources and dollar value of local government funds provided by any  
5           locality and the nature of local funding including, but not limited to, cash;  
6           fee-waivers; in-kind services; and donation of land, buildings, or other  
7           assets.
- 8           (10)   The intended use of the incentive by any category or categories to which  
9           State law restricts or limits uses of incentive funds or, if not restricted, the  
10           intended purpose.
- 11          (11)   The competing states or nations vying for the business receiving the  
12           incentive.
- 13          (12)   A table identifying the number of created or retained job goals and the  
14           calendar date for achievement of job goals, and the actual jobs created or  
15           retained by those calendar dates.
- 16          (13)   The average wage goal for the group of new full-time jobs being created or  
17           retained, the average wage actually obtained, and how actual wage amounts  
18           are documented.
- 19          (14)   The projected cost per job created or retained, including State and local  
20           funds.
- 21          (15)   An abstract or executive summary describing the findings of any fiscal  
22           impact analysis of the incentive on direct and any indirect tax collections  
23           compared to the State and local investment in the venture.
- 24          (16)   An abstract or executive summary describing the findings of any economic  
25           analysis describing the impact of the incentive on North Carolina Gross  
26           Domestic Product.
- 27          (17)   Any clawbacks or refunds received and any amounts owed but uncollected  
28           from the recipient.

29    **"§ 143B-433.2. Department of Commerce – Internet posting of summaries of incentive**  
30    **grants; format.**

31           In addition to the public database required by G.S. 143B-433.1, beginning July 1, 2011, and  
32    updated monthly thereafter, the Department of Commerce shall post on the Department's  
33    Internet Web site a summary of all discretionary incentive grants depicted in graphical  
34    dashboard format, as follows:

- 35           (1)    Total number of projects completed or terminated since January 1, 2005, not  
36           meeting, within five percent (5%), and number above five percent (5%) of  
37           jobs created or jobs retained goals and by year for 2005, 2006, 2007, 2008,  
38           2009, 2010, and 2011 and annually thereafter.
- 39           (2)    Total number of projects completed or terminated since January 1, 2005, not  
40           meeting, within five percent (5%), and number above five percent (5%) of  
41           average wage goals and by year for 2005, 2006, 2007, 2008, 2009, 2010, and  
42           2011 and annually thereafter.
- 43           (3)    Total State funds and total local funds invested in completed or terminated  
44           projects since January 1, 2005, and by year for 2005, 2006, 2007, 2008,  
45           2009, 2010, and 2011 and annually thereafter;
- 46           (4)    Total jobs retained and jobs created from completed or terminated projects  
47           since January 1, 2005, and by year for 2005, 2006, 2007, 2008, 2009, 2010,  
48           and 2011 and annually thereafter.
- 49           (5)    Total cost and cost per job created and per job retained including total State  
50           funds and local funds or contributions resulting from projects completed or

1 terminated since January 1, 2005, and by year for 2005, 2006, 2007, 2008,  
2 2009, 2010, and 2011 and annually thereafter.

3 (6) Total clawbacks or refunds received and any amounts owed but uncollected  
4 from the recipient from projects completed or terminated since January 1,  
5 2005, and by year for 2005, 2006, 2007, 2008, 2009, 2010, and 2011 and  
6 annually thereafter.

7 (7) Total number and percentage of active grants made to ventures achieving the  
8 following percentages of the scheduled job creation or retained goal:

9 a. Greater than or equal to one hundred percent (100%).

10 b. From seventy-five percent (75%) to ninety-nine percent (99%).

11 c. From fifty percent (50%) to seventy-four percent (74%).

12 d. From one percent (1%) to forty-nine percent (49%).

13 e. Zero percent (0%).

14 (8) Total number and percentage of active grants made to ventures achieving the  
15 following percentages of the average wage goal.

16 a. Greater than or equal to one hundred percent (100%).

17 b. From seventy-five percent (75%) to ninety-nine percent (99%).

18 c. From fifty percent (50%) to seventy-four percent (74%).

19 d. From one percent (1%) to forty-nine percent (49%).

20 e. Zero percent (0%).

21 **"§ 143B-433.3. Reports.**

22 (a) By July 1, 2011, then quarterly thereafter, the Department of Commerce shall  
23 report in writing to the Joint Legislative Commission on Governmental Operations, the  
24 Program Evaluation Division, and the Fiscal Research Division on the information required by  
25 G.S. 143B-433.1(c).

26 (b) By October 1, 2011, and then quarterly thereafter, the Department of Commerce  
27 shall report to the General Assembly on any favorable or unfavorable trends in the achievement  
28 of job creation, retention, and wage goals and on any action taken on grantees where clawbacks  
29 are in force and actions planned.

30 (c) Reference by the Department of Commerce to any existing report where any  
31 required information is available but prepared for a different purpose or reference to  
32 information on file or available upon request will not satisfy requirements of this Part."

33 **SECTION 2.** This act is effective when it becomes law.