

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1337

Short Title: Technical Amendments.

(Public)

Sponsors: Senator Ezzell.

Referred to: Rules Suspended; Passed 2nd & 3rd; Sent to House.

August 12, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE GENERAL
STATUTES AND TO THE SESSION LAWS AND FOR OTHER PURPOSES.

The General Assembly of North Carolina enacts:

Section 1. Section 42 of Chapter 770, Session Laws of 1989, is amended by deleting "Chapter 187, Session Laws of 1987", and substituting "Chapter 187, Session Laws of 1989".

Sec. 2. G.S. 58-780 and G.S. 58-781 as enacted by Chapter 758, Session Laws of 1989, are recodified as G.S. 58-779.1 and G.S. 58-779.2, respectively.

Sec. 3. Section 5 of Chapter 758, Session Laws of 1989, reads as rewritten:

"Sec. 5. Nothing in this ~~Article-act~~ shall be construed to affect the authority of the Department of Human Resources otherwise provided by law to license or regulate any health service facility ~~or~~ or domiciliary service facility."

Sec. 3.1. Section 68.2 of Chapter 770, Session Laws of 1989, is amended by deleting "G.S. 105-171".

Sec. 3.2. G.S. 57B-17 as amended by Section 2 of Chapter 452, Session Laws of 1989, and Section 14 of Chapter 776, Session Laws of 1989, is amended by deleting "Article 46 46 of Chapter 58", and substituting "Article 46 of Chapter 58".

Sec. 3.3. The provisions of Sections 7, 8, and 9, of Chapter 751, Session Laws of 1989, do not apply to references to the United States Department of Commerce.

Sec. 3.4. G.S. 113-44.9(2) reads as rewritten:

"(2) 'Park' means any tract of land or body of water comprising part of the State Parks System under this Article, including existing State parks,

1 State natural areas, State recreation areas, State trails, State rivers, and
2 State ~~lakes, lakes, and State resort areas.~~"

3 Sec. 3.5. G.S. 104G-21(e) is amended by deleting "(c)" and substituting "(d)".

4 Sec. 4. G.S. 130A-342(c) as enacted by Chapter 764 of the 1989 Session
5 Laws reads as rewritten:

6 "(c) The performance of individual aerobic treatment plants is to be documented
7 by the counties and sent to the ~~Department of Human Resources or the Department of~~
8 ~~Natural Resources and Community Development as appropriate.~~ Department of
9 Environment, Health, and Natural Resources."

10 Sec. 5. G.S. 159I-3(a)(6) as enacted by Chapter 756 of the 1989 Session
11 Laws reads as rewritten:

12 "(6) 'Division' means the ~~Division of Health Services~~ Solid Waste
13 Management Division of the Department of Environment, Health, and
14 Natural Resources and any successor of said Division."

15 Sec. 6. G.S. 159I-7(b) as enacted by Chapter 756 of the 1989 Session Laws
16 reads as rewritten:

17 "(b) Moneys in the Solid Waste Management Loan Fund may be invested in the
18 same manner as permitted for investments of funds belonging to the State or held in the
19 State treasury. Interest earnings derived from such investments shall be credited to the
20 Fund, credited to such other use as may be provided in a trust agreement or resolution
21 securing any bonds or notes issued under the provisions of this Chapter, or credited to
22 such other use, including the payment of administrative expenses of the Agency, the
23 costs of research for solid waste management programs and the making of grants for
24 such research, as may be directed by the Board.

25 (b1) In connection with solid waste research to be contracted for by the ~~Solid~~
26 ~~Waste Branch, Division,~~ the Secretary of the ~~Department to which that Branch is assigned,~~
27 ~~statutorially,~~ Environment, Health, and Natural Resources shall negotiate, with the Board
28 of the Agency, a memorandum of agreement which shall contain necessary rules and
29 provisions for certifying that proper competitive bid procedures, and when appropriate,
30 proper sole source bid procedures, for contracts have been executed in connection with
31 a Request for Proposals (RFP); and, which shall state that a previously determined one-
32 to-one match requirement from private sector sources has been met in accordance with
33 rules and provisions set out in the memorandum of agreement, and that the Secretary is
34 ready to award a contract for a specified amount. The Treasurer, at the direction of the
35 board, shall certify that funds are available and that the purpose of the contract is
36 consistent with provisions for the use of solid waste loan program proceeds."

37 Sec. 7. G.S. 143B-437A, as enacted by Chapter 754, Session Laws of 1989,
38 reads as rewritten:

39 "**§ 143B-437A. Industrial Development Fund.**

40 (a) There is created in the Department of ~~Commerce~~ Economic and Community
41 Development the Industrial Development Fund to provide funds to assist the local
42 government units of the most economically depressed counties in the State in creating
43 jobs. The Department of ~~Commerce~~ Economic and Community Development shall

1 adopt rules providing for the administration of the program. Those rules shall include
2 the following:

3 (1) The funds shall be used for (i) installation of or purchases of
4 manufacturing equipment or process productions equipment, (ii)
5 structural repairs, improvements, or renovations of existing buildings
6 to be used for manufacturing and industrial expansion, (iii)
7 construction of or improvements to new or existing water, sewer, gas,
8 or electrical utility distribution lines or equipment for existing
9 industrial buildings to be used for manufacturing and industrial
10 operations, or (iv) in the case of counties designated as severely
11 distressed counties under G.S. 105-130.40(c) or G.S. 105-151.17(c) or
12 units of local government within those counties, construction of or
13 improvement to new or existing water, sewer, gas, or electrical utility
14 distribution lines or equipment to serve new or proposed industrial
15 buildings to be used for manufacturing and industrial operations. To
16 be eligible for funding, the water, sewer, gas, or electrical utility lines
17 or facilities shall be located on the site of the building or, if not located
18 on the site, shall be directly related to the operation of the specific
19 manufacturing activity. However, the Secretary of ~~Commerce~~
20 Economic and Community Development may use up to one hundred
21 thousand dollars (\$100,000) to provide emergency economic
22 development assistance in any county which is documented to be
23 experiencing a major economic dislocation.

24 (2) The funds shall be used by the city and county governments for
25 projects that will directly result in the creation of new jobs. The funds
26 shall be expended at a rate of one thousand two hundred dollars
27 (\$1,200) per new job created up to a maximum of two hundred fifty
28 thousand dollars (\$250,000) per project.

29 (b) Each year, on or before December 31, the Secretary of ~~Commerce~~
30 Economic and Community Development shall designate the most economically distressed counties
31 in the State; this designation shall remain effective for the following calendar year. The
32 Secretary of ~~Commerce~~Economic and Community Development shall determine which
33 counties are the most economically distressed counties in the State based on (i) rate of
34 unemployment, (ii) per capita income, and (iii) relative population and work force
35 growth or lack of growth, as determined by the Secretary of ~~Commerce~~Economic and
36 Community Development.

37 (c) The Department of ~~Commerce~~Economic and Community Development shall
38 report annually to the General Assembly concerning the applications made to the fund
39 and the payments made from the fund and the impact of the payments on job creation in
40 the State. The Department of ~~Commerce~~Economic and Community Development shall
41 also report quarterly to the Joint Legislative Commission on Governmental Operations
42 and the Fiscal Research Division on the use of the moneys in the fund, including
43 information regarding to whom payments were made, in what amounts, and for what
44 purposes.

1 (d) As used in this section, 'major economic dislocation' means the actual or
2 imminent loss of:

3 (1) 500 or more manufacturing jobs in the county; or

4 (2) A number of manufacturing jobs which is equal to or more than ten
5 percent (10%) of the existing manufacturing workforce in the county."

6 Sec. 8. Except as otherwise provided herein, this act is effective upon
7 ratification.