

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 709

Short Title: Industrial/Pollution Control Facilities Finance.

(Public)

Sponsors: Senator Rand.

Referred to: Finance.

March 28, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE INDUSTRIAL AND POLLUTION CONTROL FACILITIES FINANCING ACT AND THE NORTH CAROLINA INDUSTRIAL AND POLLUTION CONTROL FACILITIES POOL PROGRAM FINANCING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159C-3(15a) reads as rewritten:

"(15a) Special purpose project. – Any structure, equipment, or other facility for any one or more of the following purposes:

- a. Water systems or facilities, including all plants, works, instrumentalities, and properties used or useful in obtaining, conserving, treating, and distributing water for domestic or industrial use, irrigation, sanitation, fire protection, or any other public or private use.
- b. Sewage disposal systems or facilities, including all plants, works, instrumentalities, and properties used or useful in the collection, treatment, purification, or disposal of sewage, other than facilities constituting a water pollution control facility.
- c. Public transportation systems, facilities, or equipment, including bus, truck, ferry, and railroad terminals, depots, trackage, vehicles, and ferries, bridges, tunnels, and railroads, and mass transit systems.
- d. Public parking lots, areas, garages, and other public vehicular parking structures and facilities.
- e. Public auditoriums, gymnasiums, stadiums, and convention centers.
- f. Recreational facilities.

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- 1 g. Land, equipment, and facilities for the disposal, treatment, or
2 recycling of solid or other waste that are described in G.S.
3 159I-8.
- 4 h. ~~Facilities for the provision of rehabilitation services, education,
5 training, and employment opportunities for persons with
6 disabilities and the disadvantaged. The term does not include a
7 retail facility, however, unless the proposed operator of the
8 facility certifies that at least seventy five percent (75%) of its
9 employees will be disadvantaged or disabled persons and at
10 least seventy five percent (75%) of its inventory will be
11 composed of used, donated items and items manufactured by
12 disadvantaged or disabled persons, or portions of facilities to be
13 used by a not-for-profit corporation in any activity in which
14 such corporation may lawfully engage.~~
- 15 i. Improvements on or remediation to brownfields property as
16 described in G.S. 130A-310.31.
- 17 j. Facilities for the generation, transmission, or distribution of
18 electric energy or gas.
- 19 k. Any facilities to be leased or sold in an installment sale to the
20 State, an agency therefore, or a political subdivision."

21 **SECTION 2.** G.S. 159D-37(6b) reads as rewritten:

22 "(6b) "Special purpose institution" means a for-profit or not-for-profit
23 ~~corporation~~ corporation, partnership, limited liability company, or
24 similar entity ~~entity, the State or an agency thereof or a political~~
25 subdivision that undertakes any of the activities set forth in
26 sub-subdivisions (6a)b. and (6a)c. of this section."

27 **SECTION 3.** G.S. 159D-45(f) reads as rewritten:

28 "(f) Before the issuance of bonds pursuant to this Article to finance a project, the
29 Agency shall hold a public hearing with respect to the proposed project and the issuance
30 of the bonds to finance the proposed project. The public hearing may be held at any
31 location designated by the Agency, including at the offices of the Agency in Raleigh,
32 North Carolina.

33 The public hearing may be conducted by the Agency or by a hearing officer
34 designated by the Agency to conduct public hearings. Notice of the public hearing must
35 be published at least once in at least one newspaper of general circulation in the county
36 where the proposed project is to be located not less than 14 days before the public
37 hearing. The notice must describe generally the bonds proposed to be issued and the
38 proposed project, including its general location, and any other information the Agency
39 considers appropriate. A copy of the notice of public hearing must be mailed to the clerk
40 of the Board of Commissioners of the county in which the proposed project is to be
41 located and to the governing body of any city or town in which the proposed project is
42 to be operated. The approval by such Board of Commissioners or governing body is not
43 required for the issuance of the bonds by the agency."

1 **SECTION 4.** Chapter 159D of the General Statutes is amended by adding a
2 new section to read:

3 **"§ 159D-58. Joint projects; local government and State participation.**

4 (a) Projects or portions of projects separately or jointly owned by the State or an
5 agency thereof, a political subdivision, or a special purpose institution as defined in G.S.
6 159D-37 may be financed pursuant to this Article either jointly or separately as may be
7 determined by the Local Government Commission.

8 (b) The costs of projects to be acquired, constructed, and owned by a special
9 purpose institution which are expected to be leased or sold to the State or an agency
10 thereof or a political subdivision upon their completion and acceptance by the State or
11 an agency thereof or a political subdivision may be financed under this Article with
12 such special purpose institution as the participating institution and the anticipated lease
13 or installment sale agreement to the State or an agency thereof or a political subdivision
14 taken into account under G.S. 159D-40(b)."

15 **SECTION 5.** This act is effective when it becomes law.