

March 7, 2005

S 393. ECONOMIC DEVELOPMENT - PUBLIC RECORDS. TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES. Amends GS 132-6(d) to provide that once proposed expansion or location of specific business or industrial project has been announced by state, local gov't, or specific business, provisions of subsection allowing public records to be withheld no longer apply. Effective January 1, 2006, amends various sections of GS Ch. 105 to required Dep't of Revenue to publish annual reports regarding use of economic development tax incentives.

Intro. by Hoyle.

Ref. to Judiciary I

GS 105, 132

June 1, 2005

S 393. ECONOMIC DEVELOPMENT—PUBLIC RECORDS. Intro. 3/7/05. Senate committee substitute makes the following changes to 1st edition. Modifies revision to GS 132-6(d) to require a state or local government agency, after announcing that a business has made a final decision to expand or locate in the state, to release all of the agency's public records related to that announcement within specified time periods, unless records are otherwise confidential. Deletes all amendments to various sections of GS Chapter 105. Makes technical changes.

August 11, 2005

S 393. ECONOMIC DEVELOPMENT—PUBLIC RECORDS. Intro. 3/7/05. House committee substitute makes the following changes to 2nd edition. Previous version amended the exception to the public records law for records related to proposed expansions or locations of businesses. New language modifies the exception further to provide that State or local government is required to make public any records related to the economic development activity that are not otherwise confidential as soon as practicable (not to exceed 25 days, rather than 15 days) after the business announces its decision (either to locate/expand in the state or not). Disclosure is not required until the business has identified a specific location within the state. Enacts new GS 132-1.8 requiring any cost-benefit analysis or similar assessment related to economic development to describe in detail the assumptions and methodologies used in completing the analysis. Also requires an agency receiving an application for economic development incentives to notify the applicant that information received is subject to the public records law and to fully describe the exceptions to the public records law. Enacts new GS 143B-437.07 requiring the Dep't of Commerce to publish annual reports, itemizing by recipient, detailed information about departmental grant programs awarding money to businesses. Adds new provisions to GS 143B-437.55(c) requiring the annual report compiled regarding the Job Development Investment Grant Program to include information related to the employment levels for businesses receiving grants and information about the total amount transferred to the Utility Account of the Industrial Development Fund. Amends GS 105-129.26 and GS 105-129.54 to require that Dep't of Revenue reports related to credits taken by recycling facilities and for research and development now be itemized by taxpayer. Adds new GS 105-129.38 to require annual reports related to historic rehabilitation tax credits. Adds new provisions requiring annual reports itemized by taxpayer for the following tax credit and refunds: (1) major computer manufacturing facilities (GS 105-129.65A); (2) State Ports Authority wharfing, handling, and throughput charges (GS 105-130.41 and 105-151.22); (3) manufacturing cigarettes for export (GS 105-130.45); and (4) interstate carriers (GS 105-164.14). Adds new section requiring the Economic Development Oversight Committee to study the issue of public disclosure as it relates to economic development efforts and make a final report to the 2007 General Assembly. Changes to reporting requirements become effective January 1, 2007, and the remainder is effective when it becomes law. Makes technical changes.

August 23, 2005

S 393. ECONOMIC DEVELOPMENT—PUBLIC RECORDS. Intro. 3/7/05. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy. Accepts the House Committee Substitute adopted 8/11/05 with one change. The House Committee Substitute provided in GS 132-6(d) that public records previously withheld must be disclosed within 25 days after the time that the economic development exception to the public records law no longer applied. The conference report changes that requirement to “25 business days.”

October 5, 2005

SL 2005-429 (S 393). ECONOMIC DEVELOPMENT—PUBLIC RECORDS. AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF ECONOMIC DEVELOPMENT TAX INCENTIVES. Summarized in *Daily Bulletin* 3/7/05, 6/1/05, 8/11/05, and 8/23/05. Enacted September 22, 2005. Sections 2.2–2.12 are effective January 1, 2007. The remainder is effective September 22, 2005.