

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1107  
Committee Substitute Favorable 4/29/97

Short Title: Facility Authorities.

(Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED  
AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE  
MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX  
ALLOCATIONS FOR CAPITAL IMPROVEMENTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-480.3(b) reads as rewritten:

"(b) Membership. – An authority shall have eight or ~~13~~17 members. Members shall be chosen for terms as follows:

(1) Four shall be appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, at least one of whom shall be a resident of the territorial jurisdiction of the authority;

(2) Four shall be appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, at least one of whom shall be a resident of the territorial jurisdiction of the authority; and

(3) If the territorial jurisdiction of the authority is a county where the main campus of a constituent institution of The University of North Carolina is located, then:

- 1 a. ~~Two—Four~~ members shall be appointed by the board of  
2 commissioners of that ~~county;~~ county, one of whom at the time of  
3 appointment is a resident of the municipality with the second  
4 largest population in the county, according to the most recent  
5 decennial federal census;
- 6 b. ~~Two—Four~~ members shall be appointed by the city council of the  
7 city with the largest population in the county, according to the  
8 most recent decennial federal census; and
- 9 c. One member shall be appointed jointly by the mayors of all the  
10 cities in that ~~county.~~ county;
- 11 d. Beginning January 1, 1999, a majority of any executive  
12 committee, or other committee however termed having  
13 supervisory or management authority over the facility to be  
14 constructed by the authority, shall consist of authority members  
15 appointed under this subdivision;
- 16 e. The Chancellor and Board of Trustees of the constituent  
17 institution of The University of North Carolina whose main  
18 campus is located within the county shall make recommendations  
19 to the General Assembly no later than April 1 of each odd-  
20 numbered year for persons to be appointed under subdivisions (1)  
21 and (2) of this section, and the General Assembly may consider  
22 such recommendations; and
- 23 f. ~~The—Neither the~~ board of commissioners ~~may not nor~~ the city  
24 council may appoint a member of its board to serve on the  
25 authority.

26 Two of the initial appointments under subdivision (1) of this subsection, two of  
27 the initial appointments under subdivision (2) of this subsection, one of the initial  
28 appointments under subdivision (3)a. of this subsection, and one of the initial  
29 appointments under subdivision (3)b. of this section shall be for terms expiring July 1 of  
30 the second year after the year in which the authority is created. The remaining initial  
31 appointments shall be for terms expiring July 1 of the fourth year after the year in which  
32 the authority is created. Successors shall be appointed in the same manner for four-year  
33 terms. In 1999, the third member appointed by the board of commissioners shall serve a  
34 two-year term beginning January 1, and the fourth member appointed by the board of  
35 commissioners shall serve a four-year term beginning January 1. In 1999, the third  
36 member appointed by the city council shall serve a two-year term beginning January 1,  
37 and the fourth member appointed by the city council shall serve a four-year term  
38 beginning January 1. A member may be removed by the appointing authority for cause.  
39 Vacancies occurring in the membership of the authority shall be filled by the remaining  
40 members."

41 Section 2. G.S. 160A-480.8(c)(3) reads as rewritten:

42 "(3) With the approval of the county levying the tax, by receipts, if any, from  
43 a room occupancy and prepared food and beverage tax levied by a

1 county and distributed to the Authority; provided, however, that any  
2 agreement or undertaking by a county to distribute receipts, if any, from  
3 the tax to the Authority may not obligate the county to exercise any  
4 power of taxation, or restrict the ability of the county to repeal the tax.  
5 However, no action by a county to discontinue, decrease, or repeal a  
6 room occupancy tax shall become effective while previously issued  
7 bonds or notes secured by receipts from such a tax allocated to an  
8 authority by the county remain outstanding."

9 Section 3. Section 19 of Chapter 594 of the 1991 Session Laws, as rewritten  
10 by Section 5 of Chapter 458 of the 1995 Session Laws, reads as rewritten:

11 "Sec. 19. Repeal. – The taxes levied pursuant to this authority may be repealed by the  
12 county by enacting an ordinance of repeal. No such repeal shall be effective until at least  
13 180 days after the passage of the repeal ~~ordinance.~~ ordinance, provided the levy of any  
14 occupancy tax in effect on January 1, 1997, shall not be decreased and no repeal thereof  
15 shall become effective until all obligations secured by receipts from such tax and issued  
16 under G.S. 160A-480.8 or G.S. 160A-480.12 have ceased to be outstanding. Repeal of a  
17 tax levied under this act does not affect a liability for a tax that was attached before the  
18 effective date of the repeal, nor does it affect a right to a refund of a tax that accrued  
19 before the effective date of the repeal."

20 Section 4. Section 1 of this act becomes effective January 1, 1999. The  
21 remainder of this act becomes effective when it becomes law.