

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-68
HOUSE BILL 1107

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~~authority, and at least one ~~other of whom shall have been recommended by the Board of Trustees of the constituent institution of The University of North Carolina whose main campus is located within the county~~;
- (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~~authority, and at least one ~~other of whom shall have been recommended by the Board of Trustees of the constituent institution of The University of North Carolina whose main campus is located within the county~~; 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:
 - a. ~~Two~~Four members shall be appointed by the board of commissioners of that ~~county~~county, one of whom at the time of appointment is a resident of the municipality with the second largest population in the county, according to the most recent decennial federal census;
 - b. ~~Two~~Four members shall be appointed by the city council of the city with the largest population in the county, according to the most recent decennial federal census; ~~and~~
 - c. One member shall be appointed jointly by the mayors of all the cities in that county.

Beginning January 1, 1999, a majority of any executive committee, or other committee however termed having supervisory or management authority over the facility to be constructed by the authority, shall consist of authority members appointed under this subdivision.

~~The~~ Neither the board of commissioners ~~may not~~ nor the city council may appoint a member of its board to serve on the authority.

Two of the initial appointments under subdivision (1) of this subsection, two of the initial appointments under subdivision (2) of this subsection, one of the initial appointments under subdivision (3)a. of this subsection, and one of the initial appointments under subdivision (3)b. of this section shall be for terms expiring July 1 of the second year after the year in which the authority is created. The remaining initial appointments shall be for terms expiring July 1 of the fourth year after the year in which the authority is created. The third member appointed by the board of commissioners shall serve a term beginning January 1, 1999, and expiring July 1, 2001, and the fourth member appointed by the board of commissioners shall serve a term beginning January 1, 1999, and expiring July 1, 2003. The third member appointed by the city council shall serve a term beginning January 1, 1999, and expiring July 1, 2001, and the fourth member appointed by the city council shall serve a term beginning January 1, 1999, and expiring July 1, 2003. Of the two appointments made by the General Assembly in 1999 and quadrennially thereafter upon the recommendation of the Speaker of the House of Representatives, one shall be the person recommended by the Board of Trustees of the constituent institution of The University of North Carolina whose main campus is located within the county. Of the two appointments made by the General Assembly in 1999 and quadrennially thereafter upon the recommendation of the President Pro Tempore of the Senate, one shall be the person recommended by the Board of Trustees of the constituent institution of The University of North Carolina whose main campus is located within the county. Successors shall be appointed in the same manner for four-year terms. A member may be removed by the appointing authority for cause. Vacancies occurring in the membership of the authority shall be filled by the remaining members."

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

"(3) With the approval of the county levying the tax, by receipts, if any, from a room occupancy and prepared food and beverage tax levied by a county and distributed to the Authority; provided, however, that any agreement or undertaking by a county to distribute receipts, if any, from the tax to the Authority may not obligate the county to exercise any power of taxation, or restrict the ability of the county to repeal the tax. However, no action by a county to discontinue, decrease, or repeal a room occupancy tax shall become effective while previously issued bonds or notes secured by receipts from such a tax allocated to an authority by the county remain outstanding."

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

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

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

In the General Assembly read three times and ratified this the 20th day of May, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:45 p.m. this 20th day of May, 1997