

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 635\*  
Second Edition Engrossed 4/14/93  
Education/Higher Education Committee Substitute Adopted 7/7/94

Short Title: New Hanover & Pamlico in Global TransPark Zone. (Local)

Sponsors:

Referred to:

March 30, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT NEW HANOVER AND PAMLICO COUNTIES MAY  
3 JOIN THE GLOBAL TRANSPARK DEVELOPMENT ZONE.

4 Whereas, in 1993, the General Assembly authorized the following 14  
5 counties to create a regional economic development district to be known as the Global  
6 TransPark Development Zone: Carteret, Craven, Duplin, Edgecombe, Greene, Jones,  
7 Lenoir, Nash, New Hanover, Onslow, Pamlico, Pitt, Wayne, and Wilson; and

8 Whereas, in order to create the Zone, each county was required to adopt a  
9 resolution to that effect by October 1, 1993; and

10 Whereas, Pamlico County did not adopt a resolution by the October 1, 1993,  
11 deadline but has since adopted a resolution stating its desire to join the Zone; Now,  
12 therefore,

13 The General Assembly of North Carolina enacts:

14 Section 1. Article 4 of Chapter 158 of the General Statutes is amended by  
15 adding a new section to read:

16 **"§ 158-33.1. Addition of counties to Zone.**

17 (a) Authority. – The Zone shall allow an eligible county to participate in the  
18 Zone as provided in this section. A county is eligible to participate in the Zone under  
19 this section if G.S. 158-31 authorizes the county to create the Zone, but the county  
20 failed to adopt a resolution stating its intent to create the Zone by the October 1, 1993,  
21 deadline set in G.S. 158-33(b).

1       **(b) Application.** – The governing body of an eligible county may apply to  
2 participate in the Zone under this section by adopting a resolution to participate in the  
3 Zone. The resolution must comply with all the requirements of G.S. 158-33(a) and (b)  
4 except that it may be adopted at any time before October 1, 1994. After adopting the  
5 resolution, the county shall file a certified copy of the resolution with the Global  
6 TransPark Development Commission.

7       **(c) Approval of Application.** – Within one month after receipt of an application  
8 to join the Zone pursuant to this section, the Commission shall meet to consider the  
9 application. At the meeting, the Commission shall approve the application if all of the  
10 following conditions are met:

11           **(1)** The applicant is an eligible county and has adopted a resolution that  
12 complies with subsection (b) of this section.

13           **(2)** The applicant agrees to pay a fee equal to the initiation fee paid by  
14 each of the counties that originally created the Zone.

15           **(3)** The applicant agrees to make monthly payments in lieu of taxes as  
16 provided in subsection (f) of this section.

17       **(d) Commission Resolution.** – After the Commission votes to add a county to the  
18 Zone, the Commission shall adopt a resolution that states its intent to add the county and  
19 includes amended articles of incorporation for the Zone which set forth the name of the  
20 county to be added to the Zone. The Commission shall file certified copies of this  
21 resolution with the Secretary of State.

22       **(e) Effect of Amendment.** – If the Secretary of State finds that the resolution  
23 conforms to the requirements of this Article, the Secretary of State shall file the  
24 resolution, issue an amended certificate of incorporation for the Zone including the  
25 additional county, and record the amended certificate of incorporation. The amended  
26 certificate of incorporation for the Zone shall become effective on the first day of the  
27 second month after it is issued. Upon the effective date of the amended certificate of  
28 incorporation for the Zone, the new county becomes a fully participating member of the  
29 Zone. If the Commission has levied a tax in the Zone pursuant to G.S. 158-42, that tax  
30 applies within the new county beginning on the date the amended certificate of  
31 incorporation becomes effective.

32       **(f) Payments in Lieu of Taxes.** – A county that participates in the Zone under  
33 this section is required to make monthly payments in lieu of taxes to the Zone after the  
34 expiration of the tax levied pursuant to G.S. 158-42. Each payment shall be equal to the  
35 estimated net amount of tax that would have been collected in the county under G.S.  
36 158-42 for that month if the tax were still in effect. Each payment is due within 15 days  
37 after the end of the month in which it accrues. The county is required to make monthly  
38 payments for a period equal to the number of months that the county was not  
39 participating in the Zone while the tax was levied under G.S. 158-42. The requirement  
40 that a county make payments in lieu of taxes expires, however, on the effective date of a  
41 withdrawal from the Zone by the county. For the purposes of this Article, payments in  
42 lieu of taxes shall be considered proceeds of the tax levied in G.S. 158-42 collected in  
43 the county making the payment."

44           Sec. 2. G.S. 158-42(d) reads as rewritten:

1       "(d) Administration. – The Division of Motor Vehicles of the Department of  
2 Transportation shall collect and administer a tax levied under this section. Immediately  
3 after adopting a resolution levying or repealing a tax under this section, the Commission  
4 shall deliver a certified copy of the resolution to the Division of Motor Vehicles. If the  
5 Secretary of State issues an amended certificate of incorporation adding a county to the  
6 Zone pursuant to G.S. 158-33.1, the Commission shall deliver a certified copy of the  
7 amended certificate immediately to the Division of Motor Vehicles. If the Commission  
8 receives a resolution from a county withdrawing from the Zone pursuant to G.S. 158-41,  
9 the Commission shall deliver a certified copy of the resolution immediately to the  
10 Division of Motor Vehicles.

11       ~~The tax~~ A tax levied under this section is due at the same time and subject to the  
12 same restrictions as the tax levied in G.S. 20-87 and G.S. 20-88. The tax shall be  
13 prorated in accordance with G.S. 20-66 and G.S. 20-95, as applicable. The  
14 Commissioner of Motor Vehicles may adopt rules necessary to administer the tax."

15       Sec. 3. (a)       G.S. 20-97(a) reads as rewritten:

16       "(a) All taxes levied under the provisions of this Article are intended as  
17 compensatory taxes for the use and privileges of the public highways of this State, and  
18 shall be paid by the Commissioner to the State Treasurer, to be credited by him to the  
19 State Highway Fund; and no county or municipality shall levy any license or privilege  
20 tax upon any motor vehicle licensed by the State of North Carolina, except that cities  
21 and towns may levy not more than five dollars (\$5.00) per year upon any vehicle  
22 resident therein. In addition, Pamlico County may levy a license or privilege tax of five  
23 dollars (\$5.00) per year upon any vehicle resident in the county. This tax may be levied  
24 only for a period of one year. Pamlico County shall use the net proceeds of the tax to  
25 make required payments in lieu of taxes to the Global TransPark Development Zone  
26 pursuant to G.S. 158-33.1. Pamlico County may use the remainder of the tax proceeds  
27 not needed for payments required pursuant to G.S. 158-33.1 for any public purpose.  
28 Provided, further, that cities and towns may levy, in addition to the amounts  
29 hereinabove provided for, a sum not to exceed fifteen dollars (\$15.00) per year upon  
30 each vehicle operated in such city or town as a taxicab."

31       (b) This section applies only to Pamlico County.

32       Sec. 4. (a)       G.S. 20-97(a) reads as rewritten:

33       "(a) All taxes levied under the provisions of this Article are intended as  
34 compensatory taxes for the use and privileges of the public highways of this State, and  
35 shall be paid by the Commissioner to the State Treasurer, to be credited by him to the  
36 State Highway Fund; and no county or municipality shall levy any license or privilege  
37 tax upon any motor vehicle licensed by the State of North Carolina, except that cities  
38 and towns may levy not more than five dollars (\$5.00) per year upon any vehicle  
39 resident therein. In addition, New Hanover County may levy a license or privilege tax  
40 of five dollars (\$5.00) per year upon any vehicle resident in the county. This tax may be  
41 levied only for a period of one year. New Hanover County shall use the net proceeds of  
42 the tax to make required payments in lieu of taxes to the Global TransPark Development  
43 Zone pursuant to G.S. 158-33.1. New Hanover County may use the remainder of the  
44 tax proceeds not needed for payments required pursuant to G.S. 158-33.1 for any public

1 purpose. Provided, further, that cities and towns may levy, in addition to the amounts  
2 hereinabove provided for, a sum not to exceed fifteen dollars (\$15.00) per year upon  
3 each vehicle operated in such city or town as a taxicab."

4 (b) This section applies only to New Hanover County.

5 Sec. 5. Section 4 of this act becomes effective only if New Hanover County  
6 becomes a member of the Global TransPark Development Zone as provided in G.S.  
7 158-33.1, as enacted by this act. If New Hanover County becomes a member of the  
8 Global TransPark Development Zone, then Section 4 becomes effective on the effective  
9 date of New Hanover County becoming a member of the Zone, as provided in G.S. 158-  
10 33.1(e). The remainder of this act is effective upon ratification.