

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE DRH50168-MC-124 (03/10)

Short Title: Amend Allocation of TVA Payment.

(Public)

Sponsors: Representative Haire.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE APPORTIONMENT IN LIEU OF TAXES BETWEEN LOCAL
3 GOVERNMENTS FOR THE AMOUNT OF TAXES LOST BY VIRTUE OF THE
4 TENNESSEE VALLEY AUTHORITY OPERATION OF PROPERTY.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 105-458 reads as rewritten:

7 "**§ 105-458. Apportionment of payments in lieu of taxes between local units.**

8 The payments received by the State and local governments from the Tennessee Valley
9 Authority in lieu of taxes under section 13 of the Act of Congress creating it, and as amended,
10 shall be apportioned between the local governments in which the property is owned or an
11 operation is carried on, ~~on the basis of each local government's percentage of the total value of~~
12 ~~the Authority's property in the State, on the basis of each local government's actual amount of~~
13 real property, by acreage determination, submerged under the Authority's reservoirs and upon
14 which the Authority's operations are carried on, determined as hereinafter provided: Provided,
15 however, that the minimum annual payment to any local government from said fund, including
16 the amounts paid direct to said local government by the Authority, shall not be less than the
17 amount of annual actual tax loss to such local government based upon the two-year average on
18 said property next prior to it being taken over by the Authority."

19 **SECTION 2.** G.S. 105-459 reads as rewritten:

20 "**§ 105-459. Proration of T.V.A. funds.**

21 ~~The Department of Revenue shall determine each year, on the basis of current tax laws, the~~
22 ~~allocation of the Authority's valuation among the local governments in the same manner as if~~
23 ~~the property owned or operated by the Authority were owned or operated by a privately owned~~
24 ~~public utility.~~ The Department of Revenue and the Treasurer of the State of North Carolina
25 shall ~~then~~ prorate the funds received from the Authority by the State and local governments
26 between the local governments ~~upon the basis of the foregoing calculations as required by~~
27 G.S. 105-458."

28 **SECTION 3.** This act becomes effective July 1, 2011.

