

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 937

Committee Substitute Favorable 4/28/99

Senate Transportation Committee Substitute Adopted 6/29/99

Senate Finance Committee Substitute No. 2 Adopted 7/7/99

Short Title: Regional Transportation Authority Amd.

(Public)

Sponsors:

Referred to:

April 6, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE REGIONAL TRANSPORTATION AUTHORITY ACT CONCERNING JURISDICTION OF THE ENTIRE AREA OF THE COUNTY IN CERTAIN CIRCUMSTANCES AND MEMBERSHIP OF THE AUTHORITY, AND TO AUTHORIZE THE AUTHORITY TO CREATE SPECIAL TAX DISTRICTS WITHIN ITS JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-634(a) reads as rewritten:

"(a) The territorial jurisdiction and service area of the Authority shall be as determined by the Board of Trustees consistent with its purpose, but shall initially consist of those areas included within the Metropolitan Planning Organization boundaries. With the consent by resolution of the affected board of county commissioners, the jurisdiction and area may be expanded to include contiguous areas, but the total jurisdiction and service area shall not exceed part or all of 12 counties. The jurisdiction and area include the entire area of the county if the Board of Trustees has been expanded to include the chair or other member of the board of commissioners of that county pursuant to G.S. 160A-635(a)(4)."

1 Section 2. G.S. 160A-635(a) reads as rewritten:
2 "(a) The governing body of an authority is the Board of Trustees. The Board of
3 Trustees shall consist of:

- 4 (1) The mayor of the four cities within the service area that have the largest
5 population, or a member of the city council designated by the city
6 council to serve in the absence of the mayor.
7 (2) Two members of the Board of Transportation appointed by the
8 Secretary of Transportation, to serve as ex officio nonvoting members.
9 (3) The chair of each Metropolitan Planning Organization in the territorial
10 jurisdiction.
11 (4) The chair of the board of commissioners of any county within the
12 territorial jurisdiction or a member of the board of commissioners
13 designated by the board to serve in the absence of the chair, but only if
14 the Board of Trustees by resolution has expanded the Board of Trustees
15 to include the chair of the board of commissioners of that county and the
16 board of commissioners of that county has consented by resolution.
17 (5) The chair of the principal airport authority or airport commission of
18 each of the two most populous counties within the territorial
19 jurisdiction, as determined by the most recent decennial federal census.
20 The chair of the airport authority or airport commission may appoint a
21 designee. The designee is not required to be a member of the airport
22 authority or airport commission."

23 Section 3. G.S. 105-551 reads as rewritten:
24 "**§ 105-551. Tax on gross receipts authorized.**

25 (a) Tax. – The board of trustees of an Authority may levy a privilege tax on a
26 retailer who is engaged in the business of leasing or renting U-drive-it passenger vehicles
27 or motorcycles based on the gross receipts derived by the retailer from the short-term
28 lease or rental of these vehicles. The tax rate must be a percentage and may not exceed
29 five percent (5%). A tax levied under this section applies to short-term leases or rentals
30 made by a retailer whose place of business or inventory is located within the territorial
31 jurisdiction of the Authority. This tax is in addition to all other taxes.

32 (b) Restrictions. – The board of trustees of an Authority may not levy a tax under
33 this section or increase the tax rate of a tax levied under this section until all of the
34 following requirements have been met:

- 35 (1) The board of trustees has held a public hearing on the tax or the increase
36 in the tax rate after giving at least 10 days' notice of the hearing.
37 (2) If the Authority has a special tax board, the special tax board has
38 adopted a resolution approving the levy of the tax or the increase in the
39 tax rate.
40 (3) The board of commissioners of each county included in the territorial
41 jurisdiction of the Authority has adopted a resolution approving the levy
42 of the tax or the increase in the tax rate.

1 (c) Special Tax District. – If a regional transportation authority created under
2 Article 27 of Chapter 160A of the General Statutes has not levied the tax under this
3 section or has levied the tax at a rate of less than five percent (5%), it may create a special
4 district that consists of the entire area of one or more counties within its territorial
5 jurisdiction and may levy on behalf of the special district the tax authorized in this
6 section. The rate of tax levied within the special district may not, when combined with
7 the rate levied within the entire territorial jurisdiction of the authority, exceed five percent
8 (5%). The regional transportation authority may not levy or increase a tax within the
9 special district unless the board of commissioners of each county in the special district
10 has adopted a resolution approving the levy or increase.

11 A special district created pursuant to this subsection is a body corporate and politic
12 and has the power to carry out the purposes of this subsection. The board of trustees of
13 the regional transportation authority created under Article 27 of Chapter 160A of the
14 General Statutes shall serve, ex officio, as the governing body of a special district it
15 creates pursuant to this subsection. The proceeds of a tax levied under this subsection
16 may be used only for the benefit of the special district and only for the purposes provided
17 in G.S. 105-554. Except as provided in this subsection, a tax levied under this subsection
18 is governed by the provisions of this Article."

19 Section 4. G.S. 105-561 reads as rewritten:

20 "**§ 105-561. Authority registration tax authorized.**

21 (a) Tax Authorized. – The board of trustees of an Authority may, by resolution,
22 levy an annual license tax in accordance with this Article upon any motor vehicle with a
23 tax situs within its territorial jurisdiction. The purpose of the tax levied under this Article
24 is to raise revenue for capital and operating expenses of an Authority in providing public
25 transportation systems. The rate of tax levied under this Article must be a full dollar
26 amount, but may not exceed five dollars (\$5.00) a year.

27 (b) Restrictions. – The board of trustees of an Authority may not levy a tax under
28 this Article or increase the tax rate until all of the following requirements have been met:

29 (1) The board of trustees has held a public hearing on the tax or the increase
30 in the tax rate after giving at least 10 days' notice of the hearing.

31 (2) If the Authority has a special tax board, the special tax board has
32 adopted a resolution approving the levy of the tax or the increase in the
33 tax rate.

34 (3) Except where the levy or increase in tax is necessary for debt service on
35 bonds or notes that each of the boards of county commissioners had
36 previously approved under G.S. 159-51, the board of commissioners of
37 each county included in the territorial jurisdiction of the Authority has
38 adopted a resolution approving the levy of the tax or the increase in the
39 tax rate.

40 (c) Resolutions. – The board of trustees and the board of county commissioners,
41 upon adoption of a resolution pursuant to this section, shall cause a certified copy of the
42 resolution to be delivered immediately to the Authority and to the Division of Motor
43 Vehicles.

1 (d) Special Tax District. – If a regional transportation authority created under
2 Article 27 of Chapter 160A of the General Statutes has not levied the tax under this
3 section or has levied the tax at a rate of less than five dollars (\$5.00) it may create a
4 special district that consists of the entire area of one or more counties within its territorial
5 jurisdiction and may levy on behalf of the special district the tax authorized in this
6 section. The rate of tax levied within the special district may not, when combined with
7 the rate levied within the entire territorial jurisdiction of the authority, exceed five dollars
8 (\$5.00). The regional transportation authority may not levy or increase a tax within the
9 special district unless the board of commissioners of each county in the special district
10 has adopted a resolution approving the levy or increase.

11 A special district created pursuant to this subsection is a body corporate and politic
12 and has the power to carry out the purposes of this subsection. The board of trustees of
13 the regional transportation authority created under Article 27 of Chapter 160A of the
14 General Statutes shall serve, ex officio, as the governing body of a special district it
15 creates pursuant to this subsection. The proceeds of a tax levied under this subsection
16 may be used only for the benefit of the special district and only for the purposes provided
17 in G.S. 105-564. Except as provided in this subsection, a tax levied under this subsection
18 is governed by the provisions of this Article."

19 Section 5. This act is effective when it becomes law.