

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 114
Senate Finance Committee Substitute Adopted 7/27/95
Third Edition Engrossed 7/27/95

Short Title: Alamance School Merger/Richm. Hosp.

(Local)

Sponsors:

Referred to:

February 7, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW THE BOARD OF COMMISSIONERS OF ALAMANCE
2 COUNTY TO AMEND THE PLAN OF MERGER OF THE ALAMANCE
3 COUNTY SCHOOLS AND THE BURLINGTON CITY SCHOOLS, RELATING
4 TO THE FUNDING OF THE SYSTEM AFTER THE MERGER, TO MODIFY THE
5 APPOINTMENT OF OFFICERS OF CERTAIN LOCAL TOURISM
6 DEVELOPMENT BOARDS, TO EXEMPT RICHMOND COUNTY FROM
7 CERTAIN RESTRICTIONS RELATING TO THE SALE OF HOSPITAL
8 FACILITIES TO NONPROFIT CORPORATIONS, AND MODIFYING THE
9 ALLOCATION OF THE PROCEEDS OF THE NEW HANOVER COUNTY
10 OCCUPANCY TAX.
11

12 The General Assembly of North Carolina enacts:

13 Section 1. (a) Notwithstanding "A Plan for the Merger of the Alamance County
14 Schools and the Burlington City Schools", approved under G.S. 115C-68.1, G.S. 115C-
15 68.1(a) reads as rewritten:

16 "(a) The board of commissioners of a county in which two or more local school
17 administrative units are located, but all are located wholly within the county, may adopt a
18 plan for the consolidation and merger of the units into a single countywide unit.

1 The plan adopted under this subsection shall require that the county adopting the plan
2 provide local funding per average daily membership to the resulting local school
3 administrative unit for subsequent years of at least the highest level of any local school
4 administrative unit in the county during the preceding five fiscal years before the ~~merger-~~
5 merger, except that the board of commissioners may amend the plan after its adoption to
6 require that the county adopting the plan provide local funding per average daily
7 membership to the resulting local school administrative unit at a level not less than that
8 provided for the 1995-96 school year (excluding that provided by any supplement
9 applying to only one unit).

10 The board of commissioners shall forward a copy of the plan and any amendment
11 authorized by this subsection it adopts to the boards of education of all local school
12 administrative units located within the county, immediately upon adoption."

13 (b) This section applies to Alamance County only.

14 Sec. 1.1. Section 7(b) of Chapter 988 of the 1983 Session Laws (Reg. Sess.
15 1984), as amended by Chapter 39 of the 1989 Session Laws, reads as rewritten:

16 "(b) All members of the Authority shall serve without compensation. Vacancies in
17 the Authority shall be filled by the appointing authority of the member creating the
18 vacancy. Members appointed to fill vacancies shall serve for the remainder of the
19 unexpired term for which they are appointed to fill. Members shall serve three-year
20 terms, except the initial members of the following designations, who shall serve the
21 following terms:

22 (1) Members appointed pursuant to subdivisions (a)(1) and (a)(2) above
23 shall serve a one-year term;

24 (2) Of the members appointed pursuant to subdivision (a)(3) above, the
25 appointee of the Greensboro City Council who owns or operates
26 accommodations with more than 200 rental units shall serve a three-year
27 term; the appointee of the Greensboro City Council who owns or
28 operates accommodations with no meeting facilities shall serve an initial
29 term which expires September 30, 1989; and one appointee of the board
30 of commissioners shall serve a three-year term and one a two-year term,
31 as designated by the board of county commissioners;

32 (3) The member appointed pursuant to subdivision (a)(4) above shall serve
33 a three-year term;

34 (4) The member appointed pursuant to subdivision (a)(5) above shall serve
35 a two-year term; and

36 (5) The member appointed pursuant to subdivision (a)(6) shall serve an
37 initial term which expires September 30, 1991.

38 Members may serve no more than two consecutive three-year terms. The members shall
39 elect a ~~chairman, chair,~~ who shall serve for a term of two years. A member of the
40 Authority who is a member of the Guilford County Board of Commissioners or the
41 Greensboro City Council may not serve as the chair or as any other officer of the
42 Authority or as the chair or as any other officer of a committee of the Authority. The
43 Authority shall meet at the call of the ~~chairman chair~~ and shall adopt rules of procedure to

1 govern its meetings. The finance officer for Guilford County shall be the ex officio
2 finance officer of the Authority."

3 Sec. 1.2. Section 7.1 of Chapter 988 of the 1983 Session Laws (Reg. Sess.
4 1984), as amended by Chapter 39 of the 1989 Session Laws, is amended by designating
5 the language in that section as subsection (a) and adding a new subsection to read:

6 "(b) A member of the High Point Convention and Visitors Board who is a member
7 of the Guilford County Board of Commissioners or the High Point City Council may not
8 serve as the chair or as any other officer of the Board or as the chair or as any other
9 officer of a committee of the Board."

10 Sec. 2. (a) G.S. 131E-8(a) reads as rewritten:

11 "(a) A municipality as defined in G.S. 131E-6(5) or hospital authority as defined in
12 G.S. 131E-16(14), upon such terms and conditions as it deems wise, with or without
13 monetary consideration, may sell or convey to a nonprofit corporation organized under
14 Chapter 55A of the General Statutes any rights of ownership the municipality or hospital
15 authority has in a hospital facility including the building, land and equipment associated
16 with the hospital, if the nonprofit corporation is legally committed to continue to operate
17 the facility as a community general hospital open to the general public, free of
18 discrimination based upon race, creed, color, sex or national origin. The nonprofit
19 corporation shall also agree, as a condition of the municipality or hospital authority's
20 conveying ownership, to provide such services to indigent patients as the municipality or
21 hospital authority and the nonprofit corporation shall agree. ~~The nonprofit corporation shall~~
22 ~~further agree that should it fail to operate the facility as a community general hospital open to the~~
23 ~~general public or should the nonprofit corporation dissolve without a successor nonprofit~~
24 ~~corporation to carry out the terms and conditions of the agreement of conveyance, all ownership~~
25 ~~rights in the hospital facility, including the building, land and equipment associated with the~~
26 ~~hospital, shall revert to the municipality or hospital authority or successor entity originally~~
27 ~~conveying the hospital.~~"

28 (b) This section applies to Richmond County only.

29 Sec. 3. Section 35 of Chapter 908 of the 1983 Session Laws, as amended by
30 Chapter 987 of the 1983 Session Laws and Chapter 971 of the 1985 Session Laws, reads
31 as rewritten:

32 "Sec. 35. Disposition of Taxes Collected. (a) New Hanover County shall
33 distribute the net proceeds of the occupancy tax as follows:

34 (1) ~~Seventy five percent (75%)~~ Sixty percent (60%) of the net proceeds shall
35 be deposited in a special fund, the cash balance of which shall be
36 deposited at interest or invested in accordance with G.S. 159-30; and

37 (2) ~~Twenty five percent (25%)~~ Forty percent (40%) of the net proceeds shall
38 be distributed on a quarterly basis to the county and its municipalities in
39 accordance with the method by which the one percent (1%) local sales
40 and use taxes levied in the county pursuant to Article 39 of Chapter 105
41 of the General Statutes are distributed.

42 'Net proceeds' means gross proceeds less the cost to the county of administering and
43 collecting the tax.

1 Unless a change in the use of occupancy tax revenue is authorized pursuant to
2 subsection (b), the revenue deposited in a special fund in accordance with subdivision (1)
3 shall be used by the county to control beach erosion, and the revenue distributed between
4 the county and its municipalities in accordance with subdivision (2) shall be used to
5 promote travel and tourism. No revenue distributed under subdivision (2), however, may
6 be used to plan, construct, operate, maintain, or in any way promote a civic center,
7 convention center, public auditorium, or like facility.

8 (b) The purposes for which revenue from the room occupancy tax may be used by
9 the county and its municipalities may be changed only by resolution of the New Hanover
10 Board of County Commissioners after being approved by a majority of the votes cast in
11 an election held in New Hanover County on the question of how revenue from the room
12 occupancy tax should be used. The ballot presented to the qualified voters of the county
13 in an election concerning the use of revenue from the room occupancy tax shall state all
14 the proposed uses of this revenue and the percentage of the revenue to be used for each
15 purpose. Any change in use of revenue from the room occupancy tax made by the county
16 commissioners after voter approval may likewise be changed only by resolution of the
17 county commissioners after being approved by the voters in another election.

18 The question of how revenue from the room occupancy tax should be spent may be
19 submitted to the qualified voters of the county only ~~in~~ at the time of a statewide general
20 election. All elections under this section shall be conducted in accordance with the laws
21 then governing elections in this State."

22 Sec. 4. This act is effective upon ratification. Section 3 of this act applies to
23 taxes levied on or after the first day of the first month following ratification.