

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

3

HOUSE BILL 1570  
Committee Substitute Favorable 7/20/09  
Third Edition Engrossed 7/23/09

Short Title: Amend Allocation of TVA Payment.

(Public)

Sponsors:

Referred to:

May 4, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE ALLOCATION AMONG LOCAL GOVERNMENTS OF THE  
3 TENNESSEE VALLEY AUTHORITY PAYMENT IN LIEU OF TAXES.

4 The General Assembly of North Carolina enacts:

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

6 "§ 105-458. Apportionment of payments in lieu of taxes between local units.

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

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

18 "§ 105-459. ~~Determination of amount of taxes lost by virtue of T.V.A. operation of~~  
19 property; prororation of Prororation of T.V.A. funds.

20 The Department of Revenue shall determine each year, on the basis of current tax laws, the  
21 ~~total taxes that would be due to both the State of North Carolina and the local~~  
22 governments allocation of the Authority's valuation among the local governments in the same  
23 manner as if the property owned ~~and/or~~ operated by the Authority were owned ~~and/or~~  
24 operated by a privately owned public utility: Provided, however, in making said calculations  
25 the Department of Revenue shall use the tax rate fixed by the local government unit and taxing  
26 ~~district involved for the tax year next preceding such calculations.~~ utility. The Department of  
27 Revenue and the Treasurer of the State of North Carolina shall then prorate the funds received  
28 from the Authority by the State and local governments between the local governments upon the  
29 basis of the foregoing calculations."

30 SECTION 3. G.S. 105-461 reads as rewritten:

31 "§ 105-461. Duty of ~~county accountant, finance officer, etc.~~

32 The ~~county accountant~~ finance officer or other proper officer of each local government to  
33 which this Subchapter is applicable ~~shall:~~



- 1           (1)    ~~Certify to the Department of Revenue and the Treasurer of the State of North~~  
2           ~~Carolina the tax rate fixed by the governing body of such local government~~  
3           ~~immediately upon the fixing of the same;~~  
4           (2)    ~~Certify~~ shall certify each month to the Treasurer of the State of North  
5           Carolina a statement of the amount received by the local government direct  
6           from the Authority.

7           No local government shall be entitled to receive its distributive share of said fund from the  
8           Treasurer of the State of North Carolina until the foregoing information has been properly  
9           furnished. If any such local government shall fail to furnish the information herein required  
10          within 10 days from and after receipt by it from the Department of Revenue of request for the  
11          same, forwarded by registered mail, then and in that event it shall be barred from participating  
12          in the benefits provided for the period for which the same is requested."

13                **SECTION 4.** This act becomes effective October 1, 2009.