

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1196
Finance Committee Substitute Adopted 4/4/07
Third Edition Engrossed 4/25/07
House Committee Substitute Favorable 7/27/07

Short Title: Modifications to Project Dev. Financing Act.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE PROJECT DEVELOPMENT FINANCING ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 159-103(a) reads as rewritten:

"(a) Each unit of local government may issue project development financing debt instruments pursuant to this Article and use the proceeds for one or more of the purposes for which ~~the~~any unit may issue general obligation bonds pursuant to the following subdivisions of G.S. 159-48: (b)(1), (3), (7), (11), (12), (16), (17), (19), (21), (23), (24), or (25), ~~(e)(4a) or (6), (c)(1), (4), (4a), or (6), or (d)(3), (4), (5), (6) or (7)-(7),~~ or (b)(13) excluding stadiums, arenas, golf courses, swimming pools, wading pools, or marinas. In addition, the proceeds may be used for any service or facility authorized by G.S. 160A-536 ~~and to be provided in a municipal service district.~~district, but no such district need be created.

For the purpose of this Article, the term "capital costs" as defined in G.S. 159-48(h) also includes (i) interest on the debt instruments being issued or on notes issued in anticipation of the instruments during construction and for a period not exceeding seven years after the estimated date of completion of construction and (ii) the establishment of debt service reserves and any other reserves reasonably required by the financing documents. The proceeds of the debt instruments may be used either in a development financing district established pursuant to G.S. 160A-515.1 or G.S. 158-7.3 or, if the use directly benefits private development forecast by the development financing plan for the district, outside the development financing district. The proceeds may be used only for projects that enable, facilitate, or benefit private development within the development financing district, the revenue increment of which is pledged as security for the debt instruments. This subsection does not prohibit the use of proceeds to defray the cost of providing water and sewer utilities to a private development in a project development financing district."

1 **SECTION 2.** G.S. 159-107(b) reads as rewritten:

2 "(b) Adjustments to the Base Valuation. – During the lifetime of the development
3 financing district, the base valuation shall be adjusted as follows:

4 (1) If the unit amends its development financing plan, pursuant to
5 G.S. 160A-515.1 or G.S. 158-7.3, to remove property from the
6 development financing district, on the succeeding January 1, that
7 property shall be removed from the district and the base valuation
8 reduced accordingly.

9 (2) If the unit amends its development financing plan, pursuant to
10 G.S. 160A-515.1 or G.S. 158-7.3, to expand the district, the new
11 property shall be added to the district immediately. The base valuation
12 of the district shall be increased by the assessed value of the taxable
13 property situated in the added territory on the January 1 immediately
14 preceding the effective date of the district.

15 (3) ~~If, at the time of revaluation pursuant to G.S. 105-286 of property in~~
16 ~~the county in which the district is located, it appears that, based on the~~
17 ~~schedule of values, standards, and rules approved by the board of~~
18 ~~county commissioners pursuant to G.S. 105-317, the property values~~
19 ~~of the district as they existed on the January 1 immediately preceding~~
20 ~~the effective date of the district would be increased because of the~~
21 ~~revaluation, then the base valuation shall be increased accordingly.~~

22 Each time the base valuation is adjusted, the tax assessor shall immediately certify
23 the new base valuation to: (i) the issuing unit; (ii) the county if the issuing unit is not the
24 county; and (iii) any special district, as defined in G.S. 159-7, within which the
25 development financing district is located."

26 **SECTION 3.** This act is effective when it becomes law.