

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1050
Committee Substitute Favorable 8/23/05

Short Title: Local Tax for Public Schools & Comm Colleges. (Local)

Sponsors:

Referred to:

March 31, 2005

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE CERTAIN COUNTIES TO LEVY ONE-HALF CENT LOCAL SALES AND USE TAXES FOR PUBLIC SCHOOL CAPITAL OUTLAY PURPOSES AND COMMUNITY COLLEGE PLANT FUND PURPOSES, IF APPROVED BY THE VOTERS OF THE COUNTIES.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Pitt, Martin, Davie, Buncombe, Chatham, Anson, Union, Vance, Duplin, Surry, Cumberland, and Davidson Counties only.

SECTION 2. Subchapter VIII of Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 46.

"Fourth One-Half Cent (1/2¢) Local Government Sales and Use Tax.

"§ 105-535. Short title.

This Article is the Fourth One-Half Cent (1/2¢) Local Government Sales and Use Tax Act.

"§ 105-536. Limitations.

This Article applies only to counties that levy the first one-cent (1¢) local sales and use tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session Laws, the first one-half cent (1/2¢) local sales and use tax under Article 40 of this Chapter, the second one-half cent (1/2¢) local sales and use tax under Article 42 of this Chapter, and the third one-half cent (1/2¢) local sales and use tax under Article 44 of this Chapter.

"§ 105-537. Levy.

(a) Authority. – If the majority of those voting in a referendum held pursuant to this Article vote for the levy of the taxes, the board of commissioners of the county may, by resolution, levy one-half percent (1/2%) local sales and use taxes in addition to any other State and local sales and use taxes levied pursuant to law.

(b) Vote. – The board of commissioners of a county may direct the county board of elections to conduct an advisory referendum on the question of whether to levy local

1 one-half percent (1/2%) sales and use taxes in the county as provided in this Article.
2 The election shall be held on a date jointly agreed upon by the two boards and shall be
3 held in accordance with the procedures of G.S. 163-287.

4 (c) Ballot Question. – The form of the question to be presented on a ballot for a
5 special election concerning the levy of the taxes authorized by this Article shall be:

6 FOR AGAINST

7 One-half percent (1/2%) local sales and use taxes, in addition to the current
8 local sales and use taxes, to be used only for public school capital outlay purposes or
9 community college plant fund purposes.'

10 **"§ 105-538. Administration.**

11 Except as provided in this Article, the adoption, levy, collection, administration, and
12 repeal of the additional taxes authorized by this Article shall be in accordance with
13 Article 39 of this Chapter. A tax levied under this Article does not apply to the sales
14 price of food that is exempt from tax pursuant to G.S. 105-164.13B.

15 **"§ 105-539. Distribution and use.**

16 (a) Distribution. – The Secretary shall, on a monthly basis, distribute to each
17 taxing county the net proceeds of the tax collected in that county under this Article. If
18 the Secretary collects taxes under this Article in a month and the taxes cannot be
19 identified as being attributable to a particular taxing county, the Secretary shall allocate
20 these taxes among the taxing counties in proportion to the amount of taxes collected in
21 each county under this Article in that month and shall include them in the monthly
22 distribution.

23 (b) Use. – Counties may use the proceeds of a tax levied under this Article only
24 for public school capital outlay purposes as defined in G.S. 115C-426(f) or for
25 community college plant fund purposes as defined in G.S. 115D-32 and to retire
26 indebtedness incurred by the counties for these purposes.

27 (c) Nonsupplant Restriction. – It is the purpose of this Article for counties to
28 appropriate funds generated under this Article to increase the level of county spending
29 for public school capital outlay purposes and community college plant fund purposes
30 above the level of spending before the levy of the tax authorized in this Article. A
31 county that levies a tax under this Article must continue to spend for public school
32 capital outlay and community college plant fund purposes the same amount of money it
33 would have spent for those purposes if it had not levied the tax."

34 **SECTION 2.1.** Notwithstanding the provisions of G.S. 105-539(b), enacted
35 by Section 2 of this act, Vance County may use the proceeds of a tax levied pursuant to
36 Article 46 of Chapter 105 of the General Statutes, enacted pursuant to Section 2 of this
37 act, for public school capital outlay purposes or to retire indebtedness incurred for that
38 purpose only.

39 **SECTION 3.** A tax levied under Article 46 of Chapter 105 of the General
40 Statutes, as enacted by this act, does not apply to construction materials purchased to
41 fulfill a lump-sum or unit-price contract entered into or awarded before the effective
42 date of the levy or entered into or awarded pursuant to a bid made before the effective
43 date of the levy when the construction materials would otherwise be subject to the tax
44 levied under Article 46 of Chapter 105 of the General Statutes.

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SECTION 4. This act is effective when it becomes law.