

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

H

1

HOUSE BILL 1051

Short Title: Duplin County Local Option Sales Tax. (Local)

---

Sponsors: Representative Tucker.

---

Referred to: Local Government I, if favorable, Finance.

---

March 27, 2007

1 A BILL TO BE ENTITLED  
2 AN ACT TO AUTHORIZE DUPLIN COUNTY TO LEVY A ONE-HALF CENT  
3 LOCAL SALES AND USE TAX FOR PUBLIC SCHOOL CAPITAL OUTLAY  
4 PURPOSES AND COMMUNITY COLLEGE CAPITAL OUTLAY PURPOSES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act applies to Duplin County only.

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

9 "Article 46.

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

11 "**§ 105-535. Short title.**

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

14 "**§ 105-536. Limitations.**

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

20 "**§ 105-537. Levy of tax.**

21 The board of commissioners of a county may, by resolution, levy one-half percent  
22 (1/2%) local sales and use taxes in addition to any other State and local sales and use  
23 taxes levied pursuant to law. Before adopting a resolution under this Article, the board  
24 of commissioners must give at least 10 days' public notice of its intent to adopt the  
25 resolution and must hold a public hearing on the issue of adopting the resolution.

26 "**§ 105-538. Administration of taxes.**

27 Except as provided in this Article, the adoption, levy, collection, administration, and  
28 repeal of the additional taxes authorized by this Article shall be in accordance with

1 Article 39 of this Chapter. A tax levied under this Article does not apply to the sales  
2 price of food that is exempt from tax pursuant to G.S. 105-164.13B.

3 **"§ 105-539. Distribution and use of taxes.**

4 (a) Distribution. – The Secretary shall, on a monthly basis, distribute to each  
5 taxing county the net proceeds of the tax collected in that county under this Article. If  
6 the Secretary collects taxes under this Article in a month and the taxes cannot be  
7 identified as being attributable to a particular taxing county, the Secretary shall allocate  
8 the taxes among the taxing counties in proportion to the amount of taxes collected in  
9 each county under this Article in that month and shall include them in the monthly  
10 distribution.

11 (b) Use. – A county may use the proceeds of a tax levied under this Article only  
12 for public school capital outlay purposes, community college capital outlay purposes,  
13 and to retire indebtedness incurred by the county for these purposes.

14 (c) Nonsupplant Restriction. – It is the purpose of this Article for counties to  
15 appropriate funds generated under this Article to increase the level of county spending  
16 for public school capital outlay purposes and community college capital outlay purposes  
17 above the level of spending before the levy of the tax authorized in this Article. A  
18 county that levies a tax under this Article must continue to spend for public school  
19 capital outlay purposes and community college capital outlay purposes the same amount  
20 of money it would have spent for those purposes if it had not levied the tax."

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

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