

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 605

Short Title: Alleghany Land Transfer Tax.

(Local)

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Sponsors: Representative Baker (by request).

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Referred to: Finance.

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March 29, 1995

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE ALLEGHANY COUNTY TO LEVY A ONE PERCENT  
LOCAL LAND TRANSFER TAX FOR PUBLIC SCHOOL CAPITAL NEEDS,  
SUBJECT TO APPROVAL BY THE VOTERS OF THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 105 of the General Statutes is amended by adding a new  
Article to read:

**"ARTICLE 8F.**

**"LOCAL GOVERNMENT EXCISE STAMP TAX ON CONVEYANCES.**

**"§ 105-228.50. Purpose.**

This Article gives the counties of this State an opportunity to obtain an added source  
of revenue with which to meet their growing public school building capital needs.

**"§ 105-228.51. Levy of county conveyance tax.**

(a) The board of commissioners of a county may direct the county board of  
elections to conduct an advisory referendum on the question of whether an excise tax on  
instruments conveying interests in real property located in the county will be levied in  
accordance with this Article. The election shall be held on a date agreed upon by the two  
boards and shall be held in accordance with the procedures of G.S. 163-287.

The form of the question to be presented on a ballot for a special election concerning  
the levy of the tax authorized by this Article shall be:

[ ] FOR [ ] AGAINST

Local real property transfer tax at a rate not to exceed one dollar (\$1.00) on each one hundred dollars (\$100.00) of value or consideration, to be used only for public school capital outlay purposes.

(b) If the majority of those voting in a referendum held pursuant to this Article vote for the levy of the tax, the board of commissioners of the county may, by resolution, levy an excise tax on instruments conveying interests in real property located in that county at a rate not to exceed one dollar (\$1.00) for each one hundred dollars (\$100.00) of the consideration or value, whichever is greater, of the interest conveyed, including the value of any lien or encumbrance remaining on the property at the time of sale. This tax is in addition to the tax levied by Article 8E of this Chapter. Upon adoption of the resolution, the board of commissioners shall send a certified copy to the register of deeds of the county.

(c) Collection of the tax, and liability therefor, shall begin and continue only on and after the first day of a calendar month set by the board of county commissioners in the resolution levying the tax, which may not be earlier than the first day of the second succeeding calendar month after the date the resolution is adopted.

**"§ 105-228.52. Scope and administration of tax.**

A tax levied under this Article does not apply to transfers exempt pursuant to G.S. 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of this Chapter. A tax levied under this Article applies to transfers of interests in real property located within the taxing county, except that if the property is located in two or more counties, a transfer of an interest in the property is taxable only by the county in which the greater part of the property, with respect to value, lies.

A tax levied under this Article is payable by the transferor of the interest. The provisions of G.S. 105-228.31 through G.S. 105-228.36 apply to a tax levied under this Article.

**"§ 105-228.53. Use of proceeds.**

Taxes collected under this Article shall be credited to the general fund of the county and may be used only for public school capital outlay purposes or to retire debt incurred for those purposes.

**"§ 105-228.54. Repeal or reduction of tax.**

A county may, by resolution, repeal or reduce the rate of a tax levied under this Article. Repeal or reduction of the tax shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal or reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its rate, under this Article does not affect a liability for a tax that attached before the effective date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal or reduction."

Sec. 2. This act applies only to Alleghany County.

Sec. 3. This act is effective upon ratification.