

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 458

Short Title: Lee Local Sales Tax.

(Local)

Sponsors: Senator Atwater.

Referred to: Finance.

March 10, 2005

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

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** This act applies to Lee 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¢) local sales and
16 use tax under Article 39 of this Chapter or under Chapter 1096 of the 1967 Session
17 Laws, the first one-half cent (1/2¢) local sales and use tax under Article 40 of this
18 Chapter, the second one-half cent (1/2¢) local sales and use tax under Article 42 of this
19 Chapter, and the third one-half cent (1/2¢) local sales and use tax under Article 44 of
20 this Chapter.

21 "**§ 105-537. Levy.**

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

26 (b) Without Vote. – If the question of whether to levy taxes under this Article has
27 not been defeated in a special election held in the county within two years, the board of
28 commissioners of a county may, by resolution, levy one-half percent (1/2%) local sales
29 and use taxes in addition to any other State and local sales and use taxes levied pursuant

1 to law. Before adopting a resolution under this subsection, the board of commissioners
2 must give at least 10 days' public notice of its intent to adopt the resolution and must
3 hold a public hearing on the issue of adopting the resolution.

4 **"§ 105-538. County election on adoption of tax.**

5 (a) Resolution. – The board of commissioners of a county may direct the county
6 board of elections to conduct a special election on the question of whether to levy local
7 one-half percent (1/2%) sales and use taxes in the county as provided in this Article.
8 The election must be held on a date jointly agreed upon by the two boards and must be
9 held in accordance with the procedures of G.S. 163-287.

10 (b) Ballot Question. – The question to be presented on a ballot for a special
11 election concerning the levy of the taxes authorized by this Article must be in the
12 following form:

13 FOR AGAINST

14 One-half percent (1/2%) local sales and use taxes, in addition to all current
15 State and local sales and use taxes.'

16 **"§ 105-539. Administration.**

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

21 **"§ 105-540. Distribution and use.**

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

29 (b) Use. – Counties may use the proceeds of a tax levied under this Article only
30 for public school capital outlay purposes as defined in G.S. 115C-426(f) and to retire
31 indebtedness incurred by the county for these purposes.

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

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

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