

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 247
Second Edition Engrossed 6/16/15

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

Sponsors: Representatives Pierce and Goodman (Primary Sponsor).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Local Government, if favorable, Finance.

March 17, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE HOKE COUNTY TO LEVY AN ADDITIONAL ONE-HALF
3 CENT SALES AND USE TAX.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Subchapter VIII of Chapter 105 of the General Statutes is amended
6 by adding a new Article to read:

7 "Article 47.

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

9 "**§ 105-539. Short title.**

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

11 "**§ 105-540. Applicability; limitation.**

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

17 (b) Limitation. – A tax levied under this Article may not be in effect in a county at the
18 same time as a tax levied under Article 43 or Article 46 of this Chapter.

19 "**§ 105-541. Levy.**

20 (a) Authority. – If the majority of those voting in a referendum held pursuant to this
21 Article vote for the levy of the tax, the board of commissioners of the county may, by
22 resolution and after 10 days' public notice, levy a local sales and use tax at a rate of one-half
23 percent (1/2%).

24 (b) Vote. – The board of commissioners of a county may direct the county board of
25 elections to conduct an advisory referendum on the question of whether to levy a local sales
26 and use tax in the county as provided in this Article. The election shall be held in accordance
27 with the procedures of G.S. 163-287.

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

30 [] FOR [] AGAINST

31 Local sales and use tax at the rate of one-half percent (1/2%) in addition to the
32 current local sales and use taxes to be used only for school construction or renovation, for the
33 purchase of land or facilities for schools, and to pay indebtedness incurred by the county for
34 these purposes."

35 "**§ 105-542. Administration.**



1 Except as provided in this Article, the adoption, levy, collection, administration, and repeal
2 of these additional taxes must be in accordance with Article 39 of this Chapter. G.S. 105-468.1
3 is an administrative provision that applies to this Article. A tax levied under this Article does
4 not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B or to
5 the sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a). The Secretary
6 shall not divide the amount allocated to a county between the county and the municipalities
7 within the county.

8 **"§ 105-543. Use.**

9 Counties may use the proceeds of a tax levied under this Article only for the purposes listed
10 in the ballot question used in the referendum pursuant to G.S. 105-541(c)."

11 **SECTION 2.** A tax levied under Article 47 of Chapter 105 of the General Statutes,
12 as enacted by this act, does not apply to construction materials purchased to fulfill a lump-sum
13 or unit-price contract entered into or awarded before the effective date of the levy or entered
14 into or awarded pursuant to a bid made before the effective date of the levy when the
15 construction materials would otherwise be subject to the tax levied under Article 47 of Chapter
16 105 of the General Statutes.

17 **SECTION 3.** This act applies to Hoke County only.

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