

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 820\*

Short Title: Swain Local Sales Tax.

(Local)

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Sponsors: Representative Haire.

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Referred to: Rules, Calendar, and Operations of the House.

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March 27, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE SWAIN COUNTY TO LEVY A ONE-CENT LOCAL  
2 SALES AND USE TAX.  
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** This act applies to Swain County only.

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

8 "Article 44.

9 "Second One-Cent (1¢) Local Government Sales and Use Tax.

10 **"§ 105-515. Short title.**

11 This Article is the Second One-Cent (1¢) Local Government Sales and Use Tax Act.

12 **"§ 105-516. Limitations.**

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

17 **"§ 105-517. Levy.**

18 Before levying the tax authorized by this Article, the board of commissioners must  
19 hold a public hearing on the question after at least 10 days' notice of the hearing. After  
20 the public hearing, the board of commissioners of the county may, by resolution, levy  
21 one percent (1%) local sales and use taxes in addition to any other State and local sales  
22 and use taxes levied pursuant to law.

23 **"§ 105-518. Administration.**

24 Except as provided in this Article, the adoption, levy, collection, administration, and  
25 repeal of the additional taxes authorized by this Article shall be in accordance with  
26 Article 39 of this Chapter.

27 **"§ 105-519. Distribution.**

1       The Secretary shall, on a quarterly basis, distribute to each taxing county the net  
2 proceeds of the tax collected in that county under this Article. If the Secretary collects  
3 taxes under this Article in a month and the taxes cannot be identified as being  
4 attributable to a particular taxing county, the Secretary shall allocate these taxes among  
5 the taxing counties in proportion to the amount of taxes collected in each county under  
6 this Article in that month and shall include them in the quarterly distribution."

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

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