

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 396

Short Title: Municipal Local Option Sales Tax. (Public)

Sponsors: Representative Montgomery.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government, if favorable, Finance, if favorable, Rules, Calendar, and Operations of the House

March 21, 2019

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEVY OF A MUNICIPAL ONE-QUARTER PERCENT SALES AND USE TAX.

The General Assembly of North Carolina enacts:

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

"Article 47.

"First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax.

"§ 105-540. Short title.

This Article is the First One-Quarter Cent (1/4¢) Municipal Sales and Use Tax Act.

"§ 105-541. Levy.

(a) Authority. – If the majority of those voting in a referendum held pursuant to this Article vote for the levy of the tax, the governing body of the municipality may, by resolution and after 10 days' public notice, levy a local sales and use tax at a rate of one-quarter percent (1/4%) in addition to any other State and local sales and use taxes levied pursuant to law.

(b) Vote. – The governing body of the municipality may direct the county board of elections to conduct an advisory referendum on the question of whether to levy a local sales and use tax in the municipality as provided in this Article. The election shall be held on a date jointly agreed upon by the governing body of the municipality and the county board of elections and shall be held in accordance with the procedures of G.S. 163A-1592.

(c) Ballot Question. – 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 sales and use tax at the rate of one-quarter percent (1/4%) in addition to all other State and local sales and use taxes for the purposes of construction of and improvements to public infrastructure and public facilities; affordable housing; economic development; and police, fire, and rescue services."

"§ 105-542. Administration.

Except as provided in this Article, the adoption, levy, collection, administration, and repeal of the additional taxes authorized by this Article shall be in accordance with Article 39 of this Chapter. References to "county," "counties," or "board of county commissioners" within Article 39 of this Chapter shall be interpreted as referring to "municipality," "municipalities," or "governing body of the municipality," respectively, for purposes of the tax authorized by this Article. G.S. 105-468.1 is an administrative provision that applies to this Article. A tax levied



1 under this Article does not apply to the sales price of food that is exempt from tax pursuant to
2 G.S. 105-164.13B or to the sales price of a bundled transaction taxable pursuant to
3 G.S. 105-467(a)(5a).

4 **"§ 105-543. Distribution and use.**

5 (a) Distribution. – The Secretary shall, on a monthly basis, distribute to each taxing
6 municipality for which the Secretary collects the tax the net proceeds, as defined in G.S. 105-472,
7 of the tax collected in that municipality under this Article. If the Secretary collects local sales or
8 use taxes in a month and the taxes cannot be identified as being attributable to a particular taxing
9 municipality, the Secretary shall allocate the taxes among the taxing municipalities in proportion
10 to the amount of taxes collected in each municipality under this Article during that month and
11 shall include them in the monthly distribution. Amounts collected by electronic funds transfer
12 payments are included in the distribution for the month in which the return that applies to the
13 payment is received.

14 (b) Use. – A municipality may use the net proceeds of a tax levied under this Article for
15 the purposes of construction of and improvements to public infrastructure and public facilities;
16 affordable housing; economic development; and police, fire, and rescue services."

17 **SECTION 2.** This act is effective when it becomes law.