

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 120
Committee Substitute Favorable 4/27/21

Short Title: Restrict Local Sales Tax/School Construction.

(Local)

Sponsors:

Referred to:

February 23, 2021

A BILL TO BE ENTITLED
AN ACT TO ALLOW GUILFORD COUNTY TO RESTRICT THE CHAPTER 105 ARTICLE
46 ONE-QUARTER CENT COUNTY SALES AND USE TAX TO NEW PUBLIC
SCHOOL CAPITAL OUTLAY PURPOSES ONLY.

The General Assembly of North Carolina enacts:

SECTION 1. This act applies to Guilford County only.

SECTION 2. G.S. 105-537 reads as rewritten:

"§ 105-537. Levy.

(a) Authority. – A tax levied under this Article must be approved in a referendum. If the majority of those voting in a referendum held pursuant to this Article vote for the levy of the tax, the board of county commissioners may, by resolution and after 10 days' public notice, levy a local sales and use tax at a rate of one-quarter percent (0.25%).

(b) Vote. – The board of county commissioners 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 county as provided in this Article. The election shall be held in accordance with the procedures of G.S. 163-287, except that the election shall not be held within one year from the date of the last preceding election under this section.

(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 (0.25%) in addition to all other State and local sales and use ~~taxes.~~ taxes to be used for [the applicable use chosen from the options listed in G.S. 105-538(b)]."

SECTION 3. G.S. 105-538 reads as rewritten:

"§ 105-538. Administration and use of taxes.

(a) Administration. – The Secretary shall, on a monthly basis, allocate to each taxing county the net proceeds of the tax levied under this Article. If the Secretary collects taxes under this Article in a month and the taxes cannot be identified as being attributable to a particular taxing county, the Secretary must allocate the net proceeds of these taxes among the taxing counties in proportion to the amount of taxes collected in each county under this Article in that month. For purposes of this Article, the term "net proceeds" has the same meaning as defined in G.S. 105-472.

Except as provided in this Article, the adoption, levy, collection, administration, and repeal of these additional taxes must be in accordance with Article 39 of this Chapter. G.S. 105-468.1 is an administrative provision that applies to this Article. A tax levied under this Article does not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B or to the



1 sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a). The Secretary shall
2 not divide the amount allocated to a county between the county and the municipalities within the
3 county.

4 (b) Use. – A county must use the net proceeds of a tax levied under this Article only for
5 one of the following, as indicated on the ballot question presented pursuant to G.S. 105-537(c):

6 Use Ballot Language

7 Any public purpose Any public purpose

8 Public school capital outlay purposes Only public school capital outlay
9 purposes

10 If a tax is levied for public school capital outlay purposes, then a county must, using sources
11 other than this tax, maintain at least the same amount of public school capital outlay funding as
12 in the fiscal year prior to the fiscal year in which voters approve the ballot measure. As used in
13 this section, "public school capital outlay purposes" are those purposes defined in
14 G.S. 115C-426(f), including retiring any indebtedness for these purposes that was issued on or
15 after the date that voters approve the ballot measure."

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