

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1366

Short Title: Tyrrell Land Transfer Tax.

(Local)

Sponsors: Representative Culpepper. (By Request)

Referred to: Local and Regional Government I, if favorable, Finance.

May 21, 1998

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE TYRRELL COUNTY TO LEVY A ONE PERCENT
LOCAL LAND TRANSFER TAX.

The General Assembly of North Carolina enacts:

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

"ARTICLE 8F.

"Local Government Excise Stamp Tax on Conveyances.

"§ 105-228.50. Purpose.

This Article gives the counties of this State an opportunity to obtain an added source
of revenue with which to meet their growing financial needs.

"§ 105-228.51. Levy of county conveyance tax.

(a) After Vote. – If the majority of those voting in a referendum held pursuant to
this Article vote for the levy of the tax, the board of commissioners of the county may, by
resolution, levy an excise tax on instruments conveying interests in real property located
in that county at a rate not to exceed one dollar (\$1.00) for each one hundred dollars
(\$100.00) of the consideration or value, whichever is greater, of the interest conveyed,
including the value of any lien or encumbrance remaining on the property at the time of
sale.

1 (b) Without Vote. – If the question of whether to levy the tax under this Article has
2 not been defeated in a referendum held in the county, the board of commissioners of the
3 county may, by resolution, levy an excise tax on instruments conveying interests in real
4 property located in that county at a rate not to exceed one dollar (\$1.00) for each one
5 hundred dollars (\$100.00) of the consideration or value, whichever is greater, of the
6 interest conveyed, including the value of any lien or encumbrance remaining on the
7 property at the time of sale. Before adopting a resolution under this section, the board of
8 commissioners must give at least 10 days' public notice of its intent to adopt the
9 resolution and must hold a public hearing on the issue of adopting the resolution.

10 (c) Vote. – The board of commissioners of a county may direct the county board
11 of elections to conduct an advisory referendum on the question of whether to levy the
12 local one percent (1%) land transfer tax in the county as provided in this Article. The
13 election shall be held on a date jointly agreed upon by the two boards and shall be held in
14 accordance with the procedures of G.S. 163-287.

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

17 **[] FOR [] AGAINST**

18 Local land transfer tax of one dollar (\$1.00) for each one hundred dollars (\$100.00) of the
19 value of real property transferred in the county.

20 (e) Effective Date. – Upon adoption of the resolution, the board of commissioners
21 shall send a certified copy to the register of deeds of the county. Collection of the tax,
22 and liability therefor, shall begin and continue only on and after the first day of a calendar
23 month set by the board of county commissioners in the resolution levying the tax, which
24 may not be earlier than the first day of the second succeeding calendar month after the
25 date the resolution is adopted.

26 **"§ 105-228.52. Scope and administration of tax.**

27 A tax levied under this Article does not apply to transfers exempt pursuant to G.S.
28 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of this Chapter. This
29 tax is in addition to the tax levied by Article 8E of this Chapter. A tax levied under this
30 Article applies to transfers of interests in real property located within the taxing county.
31 If the property is located in two or more counties, each county may tax the value of only
32 the portion of the property that lies in that county.

33 A tax levied under this Article is payable by the transferor of the interest. The
34 provisions of G.S. 105-228.31 through G.S. 105-228.36 apply to a tax levied under this
35 Article.

36 **"§ 105-228.53. Use of proceeds.**

37 Taxes collected under this Article shall be credited to the general fund of the county
38 and may be used for any lawful purpose.

39 **"§ 105-228.54. Repeal or reduction of tax.**

40 A county may, by resolution, repeal or reduce the rate of a tax levied under this
41 Article. Repeal or reduction of the tax shall become effective on the first day of a month
42 and may not become effective until the end of the fiscal year in which the repeal or
43 reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its rate,

1 under this Article does not affect a liability for a tax that attached before the effective
2 date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued
3 before the effective date of the repeal or reduction."

4 Section 2. This act applies only to Tyrrell County.

5 Section 3. This act is effective when it becomes law.