

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

S

1

SENATE BILL 596*

Short Title: Jackson Transfer Tax.

(Local)

Sponsors: Senator Robinson.

Referred to: Finance.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE JACKSON COUNTY TO LEVY AN EXCISE TAX ON
CONVEYANCES.

The General Assembly of North Carolina enacts:

Section 1. This act applies only to Jackson County.

Section 2. 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.

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. Before adopting a resolution under this section, the board of commissioners must give at least 10 days' public notice of

1 its intent to adopt the resolution and must hold a public hearing on the issue of adopting
2 the resolution.

3 Upon adoption of the resolution, the board of commissioners must send a certified
4 copy to the register of deeds of the county. The levy of the tax may become effective
5 only on the first day of a calendar month set by the board of county commissioners in the
6 resolution levying the tax, which may not be earlier than the first day of the second
7 succeeding calendar month after the date the resolution is adopted.

8 **"§ 105-228.52. Scope and administration of tax.**

9 A tax levied under this Article does not apply to transfers exempt pursuant to G.S.
10 105-228.28 or G.S. 105-228.29 from the tax levied by Article 8E of this Chapter. The tax
11 is in addition to the tax levied by Article 8E of this Chapter. A tax levied under this
12 Article applies to transfers of interests in real property located within the taxing county.
13 If the property is located in two or more counties, a transfer of an interest in the property
14 is taxable only by the county in which the greater part of the property, with respect to
15 value, lies.

16 A tax levied under this Article is payable by the transferor of the interest. Except as
17 otherwise provided in this Article, the provisions of G.S. 105-228.31 through G.S. 105-
18 228.36 apply to a tax levied under this Article. The taxing county must provide metering
19 or similar equipment for the collection of tax, in lieu of the use of tax stamps.

20 **"§ 105-228.53. Use of proceeds.**

21 Taxes collected under this Article must be credited to the general fund of the county
22 and may be used for any lawful purpose.

23 **"§ 105-228.54. Repeal or reduction of tax.**

24 A county may, by resolution, repeal or reduce the rate of a tax levied under this
25 Article. Repeal or reduction of the tax must become effective on the first day of a month
26 and may not become effective until the end of the fiscal year in which the repeal or
27 reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its rate,
28 under this Article does not affect a liability for a tax that attached before the effective
29 date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued
30 before the effective date of the repeal or reduction."

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