

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 204

Short Title: Hendersonville Local Option Sales Tax. (Local)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 7, 2023

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. 163-287.

(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 public safety, economic development, and public facilities."

"§ 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 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 sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a).



1 **"§ 105-543. Distribution and use.**

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

11 (b) Use. – A municipality may use the net proceeds of a tax levied under this Article for
12 the purposes of public safety, economic development, and public facilities."

13 **SECTION 2.** This act applies to the City of Hendersonville only.

14 **SECTION 3.** This act is effective when it becomes law.