

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 139

Short Title: Hyde Transfer Tax.

(Local)

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Sponsors: Representative Edwards.

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Referred to: Finance.

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February 25, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE HYDE COUNTY TO LEVY AN EXCISE TAX ON  
CONVEYANCES, IF APPROVED BY THE VOTERS OF THE COUNTY.

The General Assembly of North Carolina enacts:

Section 1. This act applies only to Hyde 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. County election on adoption of tax.**

(a) Resolution. – The board of commissioners of a county may, by resolution,  
direct the county board of elections to conduct an advisory referendum on the question of  
whether a one percent (1%) excise tax on instruments conveying interests in real property  
located in the county will be levied in accordance with this Article. The election shall be  
held on a date jointly agreed upon by the two boards, and shall be held in accordance  
with the procedures of G.S. 163-287.

1 (b) Public Hearing. – The board of commissioners shall hold a public hearing on  
2 the question at least 30 days before the date the election is to be held.

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

5 [ ] FOR [ ] AGAINST

6 county real property transfer tax at the rate of one dollar (\$1.00) on each one hundred  
7 dollars (\$100.00) of value or consideration.

8 **"§ 105-228.52. Levy of tax.**

9 If the majority of those voting in a referendum held pursuant to this Article vote for  
10 the levy of the tax, the board of commissioners of the county may, by resolution, levy an  
11 excise tax on instruments conveying interests in real property located in that county at the  
12 rate of one dollar (\$1.00) on each one hundred dollars (\$100.00) of the consideration or  
13 value, whichever is greater, of the interest conveyed, including the value of any lien or  
14 encumbrance remaining on the property at the time of sale. Upon adoption of the  
15 resolution, the board of commissioners must send a certified copy to the register of deeds  
16 of the county. The levy of the tax may become effective only on the first day of a  
17 calendar month set by the board of county commissioners in the resolution levying the  
18 tax, which may not be earlier than the first day of the second succeeding calendar month  
19 after the date the resolution is adopted.

20 **"§ 105-228.53. Scope and administration of tax.**

21 A tax levied under this Article does not apply to the first thirty thousand dollars  
22 (\$30,000) of consideration or value of the interest conveyed. In addition, the tax does not  
23 apply to transfers exempt pursuant to G.S. 105-228.28 or G.S. 105-228.29 from the tax  
24 levied by Article 8E of this Chapter.

25 The tax is in addition to the tax levied by Article 8E of this Chapter. A tax levied  
26 under this Article applies to transfers of interests in real property located within the  
27 taxing county. If the property is located in two or more counties, a transfer of an interest  
28 in the property is taxable only by the county in which the greater part of the property,  
29 with respect to value, lies.

30 A tax levied under this Article is payable by the transferor of the interest. Except as  
31 otherwise provided in this Article, the provisions of G.S. 105-228.31 through G.S. 105-  
32 228.36 apply to a tax levied under this Article. The county must provide metering or  
33 similar equipment for the collection of the tax in lieu of the use of tax stamps.

34 **"§ 105-228.54. Use of proceeds.**

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

37 **"§ 105-228.55. Repeal or reduction of tax.**

38 A county may, by resolution, repeal or reduce the rate of a tax levied under this  
39 Article. Repeal or reduction of the tax must become effective on the first day of a month  
40 and may not become effective until the end of the fiscal year in which the repeal or  
41 reduction resolution was adopted. Repeal of a conveyance tax, or reduction of its rate,  
42 under this Article does not affect a liability for a tax that attached before the effective

- 1 date of the repeal or reduction, nor does it affect a right to a refund of a tax that accrued  
2 before the effective date of the repeal or reduction."  
3           Section 3. This act is effective when it becomes law.