

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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SENATE BILL 608

Short Title: Simple and Fair Formula for Sales Tax Distrib. (Public)

Sponsors: Senators Rucho (Primary Sponsor); and Rabon.

Referred to: Rules and Operations of the Senate.

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO CONVERT THE LOCAL SALES AND USE TAXES AUTHORIZED UNDER ARTICLES 39, 40, AND 42 TO A STATE SALES AND USE TAX, TO DISTRIBUTE THE REVENUE FROM THE CONVERTED TAX AS A LOCAL SOURCE OF REVENUE, TO ESTABLISH A BASE ALLOCATION BASED ON THE AMOUNT OF REVENUE RECEIVED BY A COUNTY OR CITY IN FISCAL YEAR 2013-2014, AND TO ALLOCATE ANY GROWTH IN THE SALES TAX REVENUE FROM THE CONVERTED TAX ON A PER CAPITA BASIS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Articles 39, 40, and 42 of Chapter 105 of the General Statutes and Chapter 1096 of the 1967 Session Laws, as amended, are repealed.

SECTION 1.(b) G.S. 105-164.13B is repealed.

SECTION 2.(a) G.S. 105-164.4(a) reads as rewritten:

"(a) A privilege tax is imposed on a retailer engaged in business in the State at the percentage rates of the retailer's net taxable sales or gross receipts, listed in this subsection. The general rate of tax is ~~four and three-quarters percent (4.75%)~~ six and three-quarters percent (6.75%). The percentage rates are as follows:

- ...
(15) The rate of two percent (2%) applies to food other than the following:
a. Dietary supplements.
b. Food sold through a vending machine.
c. Prepared food, other than bakery items sold without eating utensils by an artisan bakery. The term "bakery item" includes bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas. An artisan bakery is a bakery that meets all of the following requirements:
i. It derives over eighty percent (80%) of its gross receipts from bakery items.
ii. Its annual gross receipts, combined with the gross receipts of all related persons as defined in G.S. 105-163.010, do not exceed one million eight hundred thousand dollars (\$1,800,000).
d. Soft drinks.
e. Candy."

SECTION 2.(b) Part 8 of Article 5 of Chapter 105 of the General Statutes is amended by adding a new section to read:



1 **"§ 105-164.44M. Distribution of part of sales tax revenue to counties and cities.**

2 (a) Purpose and Intent. – It is the purpose of this section to provide a source of revenue  
3 to counties and cities to meet their financial needs. There is annually appropriated from the  
4 General Fund to the counties and cities the amounts needed to make the distribution under this  
5 section. The General Assembly finds that the revenue distributed under this section is local  
6 revenue, not a State expenditure, for the purposes of Section 5(3) of Article II of the North  
7 Carolina Constitution. The Governor may not reduce or withhold the distribution.

8 (b) Distribution. – The Secretary must distribute, on a monthly basis, part of the taxes  
9 imposed by G.S. 105-164.4 to the counties and cities. The amount the Secretary must distribute  
10 is the sum of the revenue listed in this subsection, less the amount to be deducted in accordance  
11 with subsection (c) of this section:

12 (1) An amount equal to twenty-nine and sixty-three hundredths percent  
13 (29.63%) of the net proceeds of the sales and use tax imposed at the general  
14 rate of tax.

15 (2) An amount equal to the net proceeds of the sales and use taxes imposed on  
16 food by G.S. 105-164.4(a)(15).

17 (c) Deduction for Local Government Services. – From the revenue to be distributed  
18 under subsection (b) of this section, the Secretary must deduct the following costs incurred by  
19 the State to provide the functions listed in this subsection that support local governments:

20 (1) The Department's cost of the following for the preceding month:

21 a. The Local Government Division.

22 b. The Property Tax Commission.

23 (2) The Department of State Treasurer's costs for personnel and operations of  
24 the Local Government Commission.

25 (3) One-twelfth of the following for the preceding fiscal year:

26 a. The costs incurred by the School of Government at the University of  
27 North Carolina at Chapel Hill in operating a training program in  
28 property tax appraisal and assessment.

29 b. Seventy percent (70%) of the expenses of the Department of  
30 Revenue in performing the duties imposed by Article 2D of this  
31 Chapter.

32 (d) Allocation. – The Secretary must allocate the revenue to be distributed under  
33 subsection (b) of this section to the counties and cities in the order provided below:

34 (1) Hold harmless amount. – The Secretary must distribute the hold harmless  
35 amount calculated under subsection (e) of this section to each county and  
36 city that received a distribution of local sales and use tax under Articles 39,  
37 40, and 42 of this Chapter for fiscal year 2013-2014. If the amount of  
38 revenue available to be distributed under subsection (b) of this section is not  
39 sufficient to make the distribution under this subdivision, the proceeds will  
40 be distributed to each county and city on a pro rata basis.

41 (2) Remaining allocation. – Any revenue remaining to be distributed under  
42 subsection (b) of this section must be allocated to the counties on a per  
43 capita basis as provided under subsection (f) of this section and distributed to  
44 the counties and the cities in each county in accordance with the method of  
45 distribution determined by a county as provided in subsections (f) and (g) of  
46 this section.

47 (e) Hold Harmless Amount. – The Secretary must determine the hold harmless payment  
48 for each county and city that received a distribution of local sales and use tax under Articles 39,  
49 40, and 42 of this Chapter for fiscal year 2013-2014. The hold harmless amount is the sum of  
50 the amounts received by the county and each municipality in the county under Articles 39, 40,  
51 and 42 of this Chapter for fiscal year 2013-14, divided by twelve. In determining the amounts

1 received, the Secretary must take into consideration refund amounts and any adjustment of  
2 revenue between counties because of the application of the sourcing principles to a transaction.  
3 The determination made by the Secretary is final and is not subject to administrative or judicial  
4 review.

5 (f) Per Capita Distribution. – The Secretary must allocate the revenue to be distributed  
6 under subsection (d)(2) of this section to the counties on a per capita basis, using the most  
7 recent annual estimate of population certified by the State Budget Office.

8 The Secretary must divide the amount allocated to each county among the county and its  
9 cities in accordance with the method determined by the county under subsection (g) of this  
10 section. The board of county commissioners in each county may, by resolution adopted during  
11 the month of April of each year, determine which of the two methods of distribution will be in  
12 effect in the county during the next succeeding fiscal year. In order for the resolution to be  
13 effective, a certified copy of it must be delivered to the Secretary in Raleigh within 15 calendar  
14 days after its adoption. If the board fails to adopt a resolution choosing a method of distribution  
15 not then in effect in the county, or if a certified copy of the resolution is not timely delivered to  
16 the Secretary, the method of distribution then in effect in the county shall continue in effect for  
17 the following fiscal year. The method of distribution in effect on the first of July of each fiscal  
18 year shall apply to every distribution made during that fiscal year.

19 (g) Method of Sharing Revenue. – The board of county commissioners shall, by  
20 resolution, choose one of the following methods of distribution:

21 (1) Per Capita Method. – The net proceeds of the tax allocated to the county  
22 may be distributed to that county and to the cities in the county on a per  
23 capita basis according to the total population of the county plus the total  
24 population of the cities in the county. In the case of a city located in more  
25 than one county, only that part of the population living in the county is  
26 considered in its "total population". In order to make the distribution, the  
27 Secretary must determine a per capita figure by dividing the amount  
28 allocated to each county by the sum of the population of the county plus the  
29 total population of all cities in the county. The Secretary must then multiply  
30 this per capita figure by the population of the county and by the population  
31 of each city in the county; each respective product is the amount to be  
32 distributed to the county and to each city in the county. To determine the  
33 population of each county and each city, the Secretary must use the most  
34 recent annual estimate of population certified by the State Budget Officer.

35 (2) Ad Valorem Method. – The net proceeds of the tax allocated to a county  
36 may be distributed to that county and the cities in the county in proportion to  
37 the total amount of ad valorem taxes levied by each on property having a tax  
38 situs in the county during the fiscal year next preceding the distribution. For  
39 purposes of this subdivision, the amount of the ad valorem taxes levied by a  
40 county or city includes ad valorem taxes levied by the county or city in  
41 behalf of a taxing district and collected by the county or city. In addition, the  
42 amount of taxes levied by a county includes ad valorem taxes levied by a  
43 merged school administrative unit described in G.S. 115C-513 in the part of  
44 the unit located in the county. In computing the amount of tax proceeds to be  
45 distributed to each county and city, the amount of any ad valorem taxes  
46 levied but not substantially collected will be ignored. Each county and city  
47 receiving a distribution under this subdivision must immediately share the  
48 proceeds with each district in behalf of which the county or city levied ad  
49 valorem taxes in the proportion that the district levy bears to the total levy of  
50 the county or city. Any county or city that fails to provide the Department  
51 with information concerning ad valorem taxes levied by it adequate to

1 permit a timely determination of its appropriate share under this subdivision  
2 may be excluded by the Secretary from each monthly distribution with  
3 respect to which the information was not provided in a timely manner, and  
4 those proceeds will be distributed only to the remaining counties or cities, as  
5 appropriate. For the purpose of computing the distribution of the tax under  
6 this subdivision to any county and the cities located in the county for any  
7 month with respect to which the property valuation of a public service  
8 company is the subject of an appeal and the Department of Revenue is  
9 restrained by law from certifying the valuation to the county and the cities in  
10 the county, the Department must use the last property valuation of the public  
11 service company that has been certified.

12 (h) Public School Capital Outlay. – A county must use twenty-two and one-half percent  
13 (22.5%) of the revenue received by it under this section for public school capital outlay  
14 purposes as defined in G.S. 115C-426(f) or to retire any indebtedness incurred by the county  
15 for these purposes. A county may expend part or all of the revenue restricted for public school  
16 capital needs in the fiscal year in which the revenue is received, or the county may place part or  
17 all of this revenue in a capital reserve fund, provided the county specifically identifies this  
18 revenue in accordance with Chapter 159 of the General Statutes.

19 A county may use part of all of the revenue restricted by this subsection for any lawful  
20 purpose if the county petitions and receives authorization from the Local Government  
21 Commission. The petition must be in the form of a resolution adopted by the board of county  
22 commissioners and transmitted to the Local Government Commission. The petition must  
23 demonstrate that the county can provide for its public school capital needs without restricting  
24 the use of part or all of the revenue designated by this subsection for that purpose. In making its  
25 decision, the Local Government Commission must consider information contained in the  
26 petition concerning all the capital needs of the petitioning county. The Commission may also  
27 consider information from sources other than the petition. The Commission must issue a  
28 written decision on each petition stating the findings of the Commission concerning the public  
29 school capital needs of the petitioning county and the percentage of revenue otherwise  
30 restricted by this subsection that may be used by the petitioning county for any lawful purpose.  
31 Decisions of the Commission allowing counties to use revenue that would otherwise be  
32 restricted under this subsection for any lawful purpose are final. A county whose petition is  
33 denied, in whole or in part, by the Commission may subsequently submit a new petition to the  
34 Commission.

35 (i) Ineligible Cities. – An ineligible city is disregarded for all purposes under this  
36 section. A city incorporated on or after January 1, 2000, is not eligible for a distribution under  
37 this section unless it meets both of the following requirements:

38 (1) It is eligible to receive funds under G.S. 136-41.2.

39 (2) A majority of the mileage of its streets is open to the public."

40 **SECTION 2.(c)** This act does not affect the rights or liabilities of a taxing county,  
41 a taxpayer, or another person arising under a statute repealed by this act before the effective  
42 date of its repeal; nor does it affect the right to any refund or credit of a tax that accrued under  
43 the repealed statute before the effective date of its repeal.

44 **SECTION 3.(a)** G.S. 105-164.3(4a) reads as rewritten:

45 **"§ 105-164.3. Definitions.**

46 The following definitions apply in this Article:

47 ...

48 (4a) Combined general rate. – The State's general rate of tax set in  
49 G.S. 105-164.4(a) plus the ~~sum of the rates of the local sales and use taxes~~  
50 one-quarter cent (1/4¢) county sales and use tax authorized by Article 46 of  
51 Subchapter VIII of this Chapter for every county in this State."



1 notice of a new tax levy or tax rate change. The applicability of a new tax or a tax rate change  
2 to purchases from printed catalogs becomes effective on the first day of a calendar quarter after  
3 a minimum of 120 days from the date the Secretary notifies the seller that receives orders by  
4 means of a catalog or similar publication of the new tax or tax rate change.

5 (f) Notification. – Upon adoption of a resolution levying the tax, the board of county  
6 commissioners must immediately deliver a certified copy of the resolution to the Secretary,  
7 accompanied by a certified statement from the county board of elections, if applicable, setting  
8 forth the results of any special election approving the tax in the county. Upon receipt of these  
9 documents, the Secretary shall collect and administer the tax as provided in this Article.

10 **§ 105-538. Administration of taxes. Uniform provisions for local sales and use tax.**

11 ~~Except as provided in this Article, the adoption, levy, collection, administration, and repeal~~  
12 ~~of these additional taxes must be in accordance with Article 39 of this Chapter. G.S. 105-468.1~~  
13 ~~is an administrative provision that applies to this Article. A tax levied under this Article does~~  
14 ~~not apply to the sales price of food that is exempt from tax pursuant to G.S. 105-164.13B or to~~  
15 ~~the sales price of a bundled transaction taxable pursuant to G.S. 105-467(a)(5a). The Secretary~~  
16 ~~shall not divide the amount allocated to a county between the county and the municipalities~~  
17 ~~within the county.~~

18 (a) Collection. – A retailer whose place of business is in a taxing county must collect  
19 the tax authorized by this Article on and after the effective date of the levy of the tax. The tax is  
20 collected as a part of the sales price of the item of tangible personal property sold, the cost price  
21 of the item of tangible personal property used, or as a part of the charge for the rendering of any  
22 services, renting or leasing of tangible personal property, or the furnishing of any  
23 accommodation taxable under this Article. The tax must be stated and charged separately from  
24 the sales price or cost price and must be shown separately on the retailer's sales record. The tax  
25 is paid by the purchaser to the retailer as trustee for and on account of the State or county  
26 wherein the tax is imposed. It is the intent and purpose of this Article that the local sales and  
27 use tax authorized to be imposed and levied by a taxing county under this Article is to be added  
28 to the sales price and that the tax is passed on to the purchaser instead of being borne by the  
29 retailer.

30 (b) Administration. – The definitions set forth in G.S. 105-164.3 apply to this Article.  
31 The Secretary must collect and administer this tax in accordance with this Article. The tax shall  
32 be collected and administered in the same manner as the State sales and use taxes imposed by  
33 Article 5 of this Chapter insofar as the provisions are not inconsistent with this Article. The  
34 Secretary of Revenue shall design, print and furnish to all retailers in a taxing county the  
35 necessary forms for filing returns and instructions to insure the full collection from retailers.

36 (c) Use Tax. – The Secretary must require retailers who collect use tax on sales to  
37 North Carolina residents to ascertain the county of residence of each buyer and provide that  
38 information to the Secretary along with any other information necessary for the Secretary to  
39 allocate the use tax proceeds to the correct taxing county.

40 (d) Building Materials. – The provisions of this Article shall not be applicable with  
41 respect to any building materials purchased for the purpose of fulfilling any lump sum or unit  
42 price contract entered into or awarded, or entered into or awarded pursuant to any bid made,  
43 before the effective date of the tax imposed by a taxing county when, absent the provisions of  
44 this section, such building materials would otherwise be subject to tax under the provisions of  
45 this Article.

46 **§ 105-539. Scope of sales and use tax.**

47 (a) Sales tax. – The sales tax that may be imposed under this Article is limited to a tax  
48 at the rate of one-quarter percent (0.25%) of a retailer's net taxable sales and gross receipts that  
49 are subject to the general rate of sales tax imposed by the State under G.S. 105-164.4 except the  
50 tax does not apply to the sales price of a manufactured home or a modular home.

1       **(b) Use Tax.** – The use tax that may be imposed under this Article is limited to a tax at  
2 the rate of one-quarter percent (0.25%) of the cost price of each item or article of tangible  
3 personal property that is not sold in the taxing county but is used, consumed, or stored for use  
4 or consumption in the taxing county. The tax applies to the same items that are subject to tax  
5 under G.S. 105-467.

6       **(c) Sourcing.** – The sourcing principles in G.S. 105-164.4B apply in determining  
7 whether the local sales tax applies to a transaction.

8       **(d) Credit for Tax Paid.** – Where a local sales or use tax was due and has been paid with  
9 respect to tangible personal property by the purchaser in another taxing county within the State,  
10 or where a local sales or use tax was due and has been paid in a taxing jurisdiction outside the  
11 State where the purpose of the tax is similar in purpose and intent to the tax which may be  
12 imposed pursuant to this Article, the tax paid may be credited against the tax imposed under  
13 this section by a taxing county upon the same property. If the amount of sales or use tax paid is  
14 less than the amount of the use tax due the taxing county under this section, the purchaser must  
15 pay to the Secretary an amount equal to the difference between the amount paid in the other  
16 taxing county or jurisdiction and the amount due in the taxing county. The Secretary may  
17 require proof of payment in another taxing county or jurisdiction as the Secretary deems  
18 necessary. The use tax levied under this Article is not subject to credit for payment of any State  
19 sales or use tax not imposed for the benefit and use of counties. No credit shall be given under  
20 this section for sales or use taxes paid in a taxing jurisdiction outside this State if that taxing  
21 jurisdiction does not grant similar credit for sales taxes paid under this Article.

22 **"§ 105-540. Exemptions and Refunds.**

23       **(a) Exemptions and Refunds.** – The State exemptions and exclusions contained in  
24 G.S. 105-164.13 apply to the local sales and use tax authorized to be levied and imposed under  
25 this Article.

26       **(b) Refunds.** – The State refund provisions contained in G.S. 105-164.14 through  
27 G.S. 105-164.14B apply to the local sales and use tax authorized to be levied and imposed  
28 under this Article. The refund allowed under this section does not apply to purchases of  
29 electricity, telecommunications service, ancillary service, piped natural gas, video  
30 programming, or a prepaid meal plan.

31       **(c) Local Refund Allowed.** – Except as provided in this section, a taxing county may  
32 not allow an exemption, exclusion, or refund that is not allowed under the State sales and use  
33 tax. A local school administrative unit and a joint agency created by interlocal agreement  
34 among local school administrative units pursuant to G.S. 160A-462 to jointly purchase food  
35 service-related materials, supplies, and equipment on their behalf is allowed an annual refund  
36 of sales and use taxes paid by it under this Article on direct purchases of tangible personal  
37 property and services. Sales and use tax liability indirectly incurred by the entity on building  
38 materials, supplies, fixtures, and equipment that become a part of or annexed to any building or  
39 structure that is owned or leased by the entity and is being erected, altered, or repaired for use  
40 by the entity is considered a sales or use tax liability incurred on direct purchases by the entity  
41 for the purpose of this subsection.

42       **(d) Rescinded and Cancelled Sales.** – A refund of an excessive or erroneous State sales  
43 tax collection allowed under G.S. 105-164.11 and a refund of State sales tax paid on a  
44 rescinded sale or cancelled service contract under G.S. 105-164.11A apply to the local sales  
45 and use tax authorized to be levied and imposed under this Article.

46       **(e) Application.** – A request for a refund is due in the same time and manner as  
47 provided in G.S. 105-164.14(c). Refunds applied for more than three years after the due date  
48 are barred.

49 **"§ 105-541. Distribution of Revenue.**

50       The Secretary must, on a monthly basis, allocate to each taxing county for which the  
51 Secretary collects the tax the net proceeds of the tax collected in that county under this Article.

1 The Secretary shall not divide the amount allocated to a county between the county and the  
2 municipalities within the county. For the purpose of this section, "net proceeds" means the  
3 gross proceeds of the tax collected in each county under this Article less taxes refunded, the  
4 cost to the State of collecting and administering the tax in the county as determined by the  
5 Secretary, and other deductions that may be charged to the county. If the Secretary collects  
6 local sales or use taxes in a month and the taxes cannot be identified as being attributable to a  
7 particular taxing county, the Secretary shall allocate the taxes among the taxing counties in  
8 proportion to the amount of taxes collected in each county under this Article during that month  
9 and shall include them in the monthly distribution. Amounts collected by electronic funds  
10 transfer payments are included in the distribution for the month in which the return that applies  
11 to the payment is received.

12 **"§ 105-542. Repeal of levy.**

13 (a) The board of elections of any county, upon the written request of the board of  
14 county commissioners thereof, or upon receipt of a petition signed by qualified voters of the  
15 county equal in number to at least fifteen percent (15%) of the total number of votes cast in the  
16 county at the last preceding election for the office of Governor, shall call a special election for  
17 the purpose of submitting to the voters of the county the question of whether the levy of a  
18 one-quarter percent (0.25%) sales and use tax theretofore levied should be repealed. The special  
19 election shall be held under the same rules and regulations applicable to the election of  
20 members of the General Assembly.

21 (b) Ballot Question. – The county board of elections shall prepare ballots for the special  
22 election which shall contain the words "FOR repeal of the one-quarter percent (0.25%) local  
23 sales and use tax levy," and the words "AGAINST repeal of the one-quarter percent (0.25%)  
24 local sales and use tax levy," with appropriate squares so that each voter may designate his vote  
25 by his cross (X) mark.

26 The county board of elections shall fix the date of the special election on a date permitted  
27 by G.S. 163-287; provided, however, that the special election shall not be held within one year  
28 from the date of the last preceding special election held under this section.

29 (c) Notification. – The board of county commissioners, upon adoption of said  
30 resolution, shall cause a certified copy of the resolution to be delivered immediately to the  
31 Secretary of Revenue, accompanied by a certified statement from the county board of elections,  
32 if applicable, setting forth the results of any special election approving the repeal of the tax in  
33 the county.

34 (d) Effective Date. – No termination of taxes levied and imposed under this Article  
35 shall be effective until the end of the fiscal year in which the repeal election was held. No  
36 liability for any tax levied under this Article which shall have attached prior to the effective  
37 date on which a levy is terminated shall be discharged as a result of such termination, and no  
38 right to a refund of tax or otherwise which shall have accrued prior to the effective date on  
39 which a levy is terminated shall be denied as a result of such termination."

40 **SECTION 5.(a)** G.S. 105-507.2 reads as rewritten:

41 **"§ 105-507.2. Levy and collection of sales and use tax.**

42 If the majority of those voting in a referendum held pursuant to G.S. 105-507.1 vote for the  
43 levy of the tax, the board of commissioners of the county may, by resolution, levy one-half  
44 percent (½%) local sales and use taxes in addition to any other State and local sales and use  
45 taxes levied pursuant to law. Except as provided in this Part, the adoption, levy, collection,  
46 administration, and repeal of these additional taxes shall be in accordance with ~~Article 39~~  
47 ~~Article 46~~ of this Chapter. In applying the provisions of ~~Article 39~~ ~~Article 46~~ of this Chapter to  
48 this Part, references to "this Article" mean "Part 1 of Article 43 of Chapter 105 of the General  
49 Statutes."

50 **SECTION 5.(b)** G.S. 105-509.1 reads as rewritten:

1 **"§ 105-509.1. Levy and collection of sales and use tax – regional public transportation**  
2 **authority.**

3 If the majority of those voting in a referendum held pursuant to G.S. 105-509 vote for the  
4 levy of the tax, the transportation authority may, by resolution, levy one-half percent (½%)  
5 local sales and use taxes within the special district, in addition to any other State and local sales  
6 and use taxes levied pursuant to law. In determining the results of the election in a multicounty  
7 district, all the counties of the district shall be considered to be one unit but also must receive a  
8 majority vote in each county, except that if the referendum is passed in one or more but not all  
9 of the counties, the counties in which the referendum was not approved are removed from the  
10 special district upon certification of the election result and the county or counties that approved  
11 the referendum shall remain in the special district. Except as provided in this Part, the adoption,  
12 levy, collection, administration, and repeal of these additional taxes shall be in accordance with  
13 ~~Article 39~~ Article 46 of this Chapter. In applying the provisions of ~~Article 39~~ Article 46 of this  
14 Chapter to this Article, references to "this Article" mean "Part 4 of Article 43 of Chapter 105 of  
15 the General Statutes." Any repeal of the tax shall be done by the same procedure as its  
16 enactment under this section, and in a multicounty district a petition for repeal under  
17 ~~G.S. 105-473~~ G.S. 105-542 shall be judged by the total votes in all the counties in the district."

18 **SECTION 5.(c)** G.S. 105-510.1 reads as rewritten:

19 **"§ 105-510.1. Levy and collection of sales and use tax – regional transportation authority.**

20 If the majority of those voting in a referendum held pursuant to G.S. 105-510 vote for the  
21 levy of the tax, the transportation authority may, by resolution, levy one-half percent (1/2%)  
22 local sales and use taxes within the special district, in addition to any other State and local sales  
23 and use taxes levied pursuant to law. In determining the results of the election in a multicounty  
24 district, all the counties of the district shall be considered to be one unit but also must receive a  
25 majority vote in each county, except that if the referendum is passed in one but not both of the  
26 counties, the county in which the referendum was not approved is removed from the special  
27 district upon certification of the election result and the county that approved the referendum  
28 shall remain in the special district. Except as provided in this Part, the adoption, levy,  
29 collection, administration, and repeal of these additional taxes shall be in accordance with  
30 ~~Article 39~~ Article 46 of this Chapter. In applying the provisions of ~~Article 39~~ Article 46 of this  
31 Chapter to this Article, references to "this Article" mean "Part 5 of Article 43 of Chapter 105 of  
32 the General Statutes." Any repeal of the tax shall be done by the same procedure as its  
33 enactment under this section, and in a multicounty district a petition for repeal under  
34 ~~G.S. 105-473~~ G.S. 105-542 shall be judged by the total votes in all the counties in the district."

35 **SECTION 5.(d)** G.S. 105-511.3 reads as rewritten:

36 **"§ 105-511.3. Levy and collection of sales and use tax.**

37 If the majority of those voting in a referendum held pursuant to this Part vote for the levy of  
38 the tax, the board of commissioners of the county may, by resolution, levy one-quarter percent  
39 (1/4%) local sales and use taxes in addition to any other State and local sales and use taxes  
40 levied pursuant to law. Except as provided in this Part, the adoption, levy, collection,  
41 administration, and repeal of these additional taxes shall be in accordance with ~~Article~~  
42 ~~39~~ Article 46 of this Chapter. In applying the provisions of ~~Article 39~~ Article 46 of this Chapter  
43 to this Part, references to "this Article" mean "Part 6 of Article 43 of Chapter 105 of the  
44 General Statutes."

45 **SECTION 6.** This act becomes effective July 1, 2016, and applies to sales made on  
46 or after that date.