

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 912
PROPOSED COMMITTEE SUBSTITUTE H912-PCS30403-RB-34

Short Title: Taxation of Tribal Land and Tobacco Products.

(Public)

Sponsors:

Referred to:

April 20, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT REAL AND PERSONAL PROPERTY LOCATED ON TRIBAL
3 LANDS FROM PROPERTY TAX REGARDLESS OF OWNERSHIP AND TO
4 AUTHORIZE THE DEPARTMENT OF REVENUE TO ENTER INTO AN
5 AGREEMENT WITH THE EASTERN BAND OF CHEROKEE INDIANS REGARDING
6 THE TAXATION OF TOBACCO PRODUCTS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** G.S. 105-275 is amended by adding a new subdivision to read:
9 "**§ 105-275. Property classified and excluded from the tax base.**

10 The following classes of property are designated special classes under Article V, Sec. 2(2),
11 of the North Carolina Constitution and are excluded from tax:

12 ...

13 (48) Real and personal property located on lands held in trust by the United
14 States for the Eastern Band of the Cherokee Indians, regardless of
15 ownership."

16 **SECTION 1.(b)** This section is effective for taxes imposed for taxable years
17 beginning on or after July 1, 2016.

18 **SECTION 2.(a)** Part 1 of Article 2A of Chapter 105 of the General Statutes is
19 amended by adding a new section to read:

20 "**§ 105-113.4E. Agreement with the Eastern Band of Cherokee Indians.**

21 (a) Authority. – The United States Congress and the United States courts have
22 recognized the Eastern Band of Cherokee Indians as possessing sovereign legal rights over
23 their members and their trust lands.

24 (b) Agreement. – The Department of Revenue may enter into an agreement with the
25 Tribe in regards to the excise tax on tobacco products administered under this Article. The
26 agreement must be approved by the Council and signed by the Chief on behalf of the Tribe and
27 must be signed by the Secretary on behalf of the Department of Revenue. The agreement may
28 be effective for a definite period of time or an indefinite period, as specified in the agreement.

29 (c) Definitions. – The following definitions apply in this section:

30 (1) Chief. – The Principal Chief of the Eastern Band of the Cherokee Indians.

31 (2) Council. – The Tribal Council of the Eastern Band of the Cherokee Indians.

32 (3) Tribe. – The Eastern Band of the Cherokee Indians."

33 **SECTION 2.(b)** This section is effective when it becomes law.

34 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
35 law.



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