

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-205
SENATE BILL 1064

AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-290(b) is amended by adding a new subdivision to read:

"(4) Interest on Overpayments. – When an order of the Property Tax Commission reduces the valuation of property or removes the property from the tax lists and, based on the order, the taxpayer has paid more tax than is due on the property, the taxpayer is entitled to receive interest on the overpayment in accordance with this subdivision. An overpayment of tax bears interest at the rate set under G.S. 105-241.1(i) from the date the interest begins to accrue until a refund is paid. Interest accrues from the later of the date the tax was paid and the date the tax would have been considered delinquent under G.S. 105-360. A refund is considered paid on a date determined by the governing body of the taxing unit that is no sooner than five days after a refund check is mailed."

Section 2. The Legislative Research Commission may study the methods used by counties to develop the schedules of value for a general reappraisal of real property, the appeal process for appeals of the value or listing of property, and the octennial revaluation schedule. The Commission may assign these topics to a study committee established to study various tax issues or may create a separate study committee to study these topics. In conducting the study, the Commission may determine whether the procedures used in developing schedules of value produce unrealistic values on nonresidential real property, whether representatives of the Department of Revenue should be given more authority in resolving taxpayer appeals, and whether the Property Tax Commission should be replaced with a State Tax Court. The Commission may make an interim report of its findings to the 1998 Regular Session of the 1997 General Assembly and may make a final report to the 1999 General Assembly.

Section 3. This act becomes effective July 1, 1997. Section 1 of this act applies to appeals made to the Property Tax Commission on or after the effective date of this act.

In the General Assembly read three times and ratified this the 9th day of June,
1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:15 p.m. this 19th day of June, 1997