

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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HOUSE BILL 68

Short Title: Refund Intangibles Tax to All.-1

(Public)

Sponsors: Representative Allred.

Referred to: Rules.

July 10, 1996

A BILL TO BE ENTITLED

1 AN ACT TO GENERALLY REVISE THE STATE BUDGET BY REFUNDING THE
2 UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK FOR THE 1991
3 THROUGH 1994 TAX YEARS AND MAKING APPROPRIATE
4 APPROPRIATIONS CHANGES.
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6 The General Assembly of North Carolina enacts:

7 Section 1. Effective retroactively for the 1991, 1992, 1993, and 1994 tax
8 years, G.S. 105-203 is repealed.

9 Sec. 2. G.S. 105-266(c) is amended by adding a new subdivision to read:

10 "(5) Repealed Tax. – If an act of the General Assembly repeals a tax
11 retroactively, each taxpayer's payment of the repealed tax is an
12 overpayment for the purpose of this section except that it shall not bear
13 interest. On the date the act becomes law, the Secretary shall discover
14 these overpayments of the repealed tax; the Secretary's discoveries are
15 timely for the purposes of this section."

16 Sec. 3. If a taxpayer has a right to a refund under G.S. 105-267 of an
17 overpayment of the tax repealed by Section 1 of this act, the refund shall be made
18 pursuant to G.S. 105-267 rather than pursuant to this act. Refunds shall be made pursuant
19 to Section 2 of this act and this section only for overpayments the refund of which would
20 otherwise be barred by G.S. 105-267 if Section 1 of this act had not been enacted.

1 Sec. 4. There is appropriated from the General Fund to the Department of
2 Revenue the sum of two hundred thousand dollars (\$200,000) for the 1996-97 fiscal year
3 to pay for the costs of administering this act. These funds shall not revert until the
4 Director of the Budget certifies that the Department of Revenue has completed all duties
5 necessary to administer this act, including processing the escheat of refund checks that
6 have not been cashed.

7 Sec. 5. This act does not affect the rights or liabilities of the State, a taxpayer,
8 or another person arising under a statute amended or repealed by this act before its
9 amendment or repeal; nor does it affect the right to any refund or credit of a tax that
10 would otherwise have been available under the amended or repealed statute before its
11 amendment or repeal.

12 Sec. 6. Appropriate changes are made in appropriations based on the revisions
13 made by this act.

14 Sec. 7. Section 1 of this act is effective retroactively for the 1991, 1992, 1993,
15 and 1994 tax years. Section 4 of this act becomes effective July 1, 1996. The remainder
16 of this act is effective upon ratification.