

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 855

Short Title: Ports Authority Tax Refunds.

(Public)

Sponsors: Senators Perdue; and Hoyle.

Referred to: Finance.

April 13, 1999

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE STATE PORTS AUTHORITY TO OBTAIN
2 ANNUAL REFUNDS OF STATE AND LOCAL SALES AND USE TAXES IT
3 PAYS.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 105-164.14(c) reads as rewritten:

7 "(c) Certain Governmental Entities. – A governmental entity listed in this
8 subsection is allowed an annual refund of sales and use taxes paid by it under this Article,
9 except under G.S. 105-164.4(a)(4a) and G.S. 105-164.4(a)(4c), on direct purchases of
10 tangible personal property. Sales and use tax liability indirectly incurred by a
11 governmental entity on building materials, supplies, fixtures, and equipment that become
12 a part of or annexed to any building or structure that is owned or leased by the
13 governmental entity and is being erected, altered, or repaired for use by the governmental
14 entity is considered a sales or use tax liability incurred on direct purchases by the
15 governmental entity for the purpose of this subsection. A request for a refund must be in
16 writing and must include any information and documentation required by the Secretary.
17 A request for a refund is due within six months after the end of the governmental entity's
18 fiscal year.

19 This subsection applies only to the following governmental entities:

20 (1) A county.

- 1 (2) A city as defined in G.S. 160A-1.
- 2 (2a) A consolidated city-county as defined in G.S. 160B-2.
- 3 (2b) A local school administrative unit.
- 4 (3) A metropolitan sewerage district or a metropolitan water district in this
- 5 State.
- 6 (4) A water and sewer authority created under Chapter 162A of the General
- 7 Statutes.
- 8 (5) A lake authority created by a board of county commissioners pursuant
- 9 to an act of the General Assembly.
- 10 (6) A sanitary district.
- 11 (7) A regional solid waste management authority created pursuant to G.S.
- 12 153A-421.
- 13 (8) An area mental health, developmental disabilities, and substance abuse
- 14 authority, other than a single-county area authority, established pursuant
- 15 to Article 4 of Chapter 122C of the General Statutes.
- 16 (9) A district health department.
- 17 (10) A regional council of governments created pursuant to G.S. 160A-470.
- 18 (11) A regional planning and economic development commission or a
- 19 regional economic development commission created pursuant to
- 20 Chapter 158 of the General Statutes.
- 21 (12) A regional planning commission created pursuant to G.S. 153A-391.
- 22 (13) A regional sports authority created pursuant to G.S. 160A-479.
- 23 (14) A public transportation authority created pursuant to Article 25 of
- 24 Chapter 160A of the General Statutes.
- 25 (14a) A facility authority created pursuant to Part 4 of Article 20 of Chapter
- 26 160A of the General Statutes.
- 27 (15) A regional public transportation authority created pursuant to Article 26
- 28 of Chapter 160A of the General Statutes.
- 29 (16) A local airport authority that was created pursuant to a local act of the
- 30 General Assembly and has at least one of the following characteristics:
- 31 a. It has all of the rights of a municipality.
- 32 b. A local act of the General Assembly declares it to be a
- 33 municipality.
- 34 c. A local act of the General Assembly specifically authorizes it to
- 35 receive a refund under this section.
- 36 (17) A joint agency created by interlocal agreement pursuant to G.S. 160A-
- 37 462 to operate a public broadcasting television station.
- 38 (18) The North Carolina Low-Level Radioactive Waste Management
- 39 Authority created pursuant to Chapter 104G of the General Statutes.
- 40 (19) The North Carolina Hazardous Waste Management Commission created
- 41 pursuant to Chapter 130B of the General Statutes.

- 1 (20) A constituent institution of The University of North Carolina, but only
2 with respect to sales and use tax paid by it for tangible personal property
3 acquired by it through the expenditure of contract and grant funds.
4 (21) The University of North Carolina Hospitals at Chapel Hill.
5 (22) The North Carolina State Ports Authority created in G.S. 143B-452."
6 Section 2. This act becomes effective July 1, 1999, and applies to taxes paid
7 on or after that date.