GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 972*

Short Title: Public Transit Tax Refund.   (Public)

Sponsors: Senators Lee; Daughtry, Winner, and Block.

Referred to: Finance.

May 27, 1992

1   A BILL TO BE ENTITLED
2   AN ACT TO PERMIT PUBLIC TRANSPORTATION AUTHORITIES AND
3   REGIONAL PUBLIC TRANSPORTATION AUTHORITIES TO RECEIVE
4   ANNUAL SALES TAX REFUNDS.
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. Upon receipt of timely applications for
8   refund, the Secretary of Revenue shall make refunds annually to all governmental
9   entities, as hereinafter defined, of sales and use tax paid under this Article, except under
10   G.S. 105-164.4(4a) and G.S. 105-164.4(4c), by said governmental entities on direct
11   purchases of tangible personal property. Sales and use tax liability indirectly incurred by
12   such governmental entities on building materials, supplies, fixtures and equipment
13   which shall become a part of or annexed to any building or structure being erected,
14   altered or repaired which is owned or leased by such governmental entities shall be
15   construed as sales or use tax liability incurred on direct purchases by such governmental
16   entities, and such entities may obtain refunds of such taxes indirectly paid. The refund
17   provisions contained in this subsection shall not apply to any governmental entities not
18   specifically named herein. In order to receive the refund herein provided for,
19   governmental entities shall file a written request for said refund within six months of the
20   close of the fiscal year of the governmental entities seeking said refund, and such
21   request for refund shall be substantiated by such records, receipts and information as the
22   Secretary may require. No refunds shall be made on applications not filed within the
23   time allowed by this section and in such manner as the Secretary may otherwise require.
24   The term 'governmental entities,' for the purposes of this subsection, shall mean all

1   counties, incorporated cities and towns, water and sewer authorities created and existing
2   under the provisions of Chapter 162A of the General Statutes, lake authorities created
3   by a board of county commissioners pursuant to an act of the General Assembly,
4   sanitary districts, regional councils of governments created pursuant to G.S. 160A-470,
5   area mental health, mental retardation, and substance abuse authorities (other than
6   single-county area authorities) established pursuant to Article 4 of Chapter 122C of the
7   General Statutes, district health departments, regional planning and economic
8   development commissions created pursuant to G.S. 158-14, regional sports authorities
9   created pursuant to G.S. 160A-479, regional economic development commissions
10   created pursuant to G.S. 158-8, regional planning commissions created pursuant to G.S.
11   153A-391, regional solid waste management authorities created pursuant to G.S. 153A-
12   421, <u>public transportation authorities created pursuant to Article 25 of Chapter 160A of</u>
13   <u>the General Statutes, regional public transportation authorities created pursuant to</u>
14   <u>Article 26 of Chapter 160A of the General Statutes,</u> metropolitan sewerage districts and
15   metropolitan water districts in this State, the North Carolina Low-Level Radioactive
16   Waste Management Authority created pursuant to Chapter 104G of the General
17   Statutes, the North Carolina Hazardous Waste Management Commission created
18   pursuant to Chapter 130B of the General Statutes, and the Rockingham County Airport
19   Authority. Notwithstanding the foregoing provisions of this subsection, the constituent
20   institutions of The University of North Carolina may obtain in the manner prescribed by
21   this subsection a refund of sales and use tax paid by them on or after January 1, 1992,
22   for tangible personal property acquired by them through the expenditure of contract and
23   grant funds."
24   Sec. 2. This act is effective upon ratification.