

1 (2) The taxpayer protested payment of the tax within 30 days of payment
2 and met the other requirements of G.S. 105-267, as it then existed, to
3 establish and preserve the taxpayer's refund claim for the tax year.

4 (3) The taxpayer's established and preserved refund claim was pending on
5 February 21, 1996, the date the United States Supreme Court held the
6 taxable percentage deduction in former G.S. 105-203 unconstitutional.

7 Section 2. The Secretary of Revenue shall make these refunds in accordance
8 with G.S. 105-267.

9 Section 3. (a) The Secretary of Revenue shall, as soon as possible, mail a copy of
10 the Wake County Superior Court's notice in the class action lawsuit Smith v. State to all
11 intangibles taxpayers that she has identified as possibly being affected and for whom she
12 has identified a last known mailing address. The court's notice requires immediate action
13 by affected taxpayers. The Secretary of Revenue shall, therefore, make an extraordinary
14 effort to assure that the notices are sent as quickly as possible.

15 (b) It is the intent of the General Assembly that as many affected taxpayers as
16 possible receive actual, complete information before the deadline set by the court for
17 taxpayers to make a decision regarding the class action lawsuit. The Secretary of
18 Revenue shall supplement the mailing required by this section with circulation of the
19 court's notice to tax professionals and media outlets throughout the State and to any other
20 person she considers appropriate to implement the intent of this section.

21 Section 4. This act is effective when it becomes law.