



1 "SECTION 4.(b) This section is effective for taxable years beginning on or after  
2 January 1, ~~2009-2008.~~"

3 SECTION 5.(a) G.S. 105-228.5B reads as rewritten:

4 "§ 105-228.5B. (Effective until June 30, 2010) Proceeds credited to High Risk Pool.

5 ~~Within 75 days after the end of each fiscal year, By November 1 of each year,~~ the State  
6 Treasurer must transfer from the General Fund to the North Carolina Health Insurance Risk  
7 Pool Fund established in G.S. 58-50-225 an amount equal to the growth in net revenue from the  
8 tax applied to gross premiums under G.S. 105-228.5(d)(2). The growth in revenue from this tax  
9 is the difference between the amount of revenue collected during the preceding fiscal year on  
10 premiums taxed under that subdivision less \$475,545,413, which is the amount of revenue  
11 collected during fiscal year 2006-2007 on premiums taxed under that subdivision. The  
12 Treasurer must draw the amount required under this section from revenue collected on  
13 premiums taxed under that subdivision."

14 SECTION 5.(b) G.S. 105-228.5B, as amended by S.L. 2008-118, reads as  
15 rewritten:

16 "§ 105-228.5B. (Effective June 30, 2010) Distribution of part of tax proceeds to High Risk  
17 Pool.

18 ~~Within 75 days after the end of each fiscal year, By November 1 of each year,~~ the State  
19 Treasurer must transfer from the General Fund to the North Carolina Health Insurance Risk  
20 Pool Fund established in G.S. 58-50-225 an amount equal to thirty percent (30%) of the growth  
21 in revenue from the tax applied to gross premiums under G.S. 105-228.5(d)(2). The growth in  
22 revenue from this tax is the difference between the amount of revenue collected during the  
23 preceding fiscal year on premiums taxed under that subdivision less \$475,545,413, which is the  
24 amount of revenue collected during fiscal year 2006-2007 on premiums taxed under that  
25 subdivision. The Treasurer must draw the amount required under this section from revenue  
26 collected on premiums taxed under that subdivision."

27 SECTION 5.(c) Subsections (a) and (c) of this section are effective when they  
28 become law. Subsection (b) of this section becomes effective June 30, 2010.

## 29 SALES TAX CHANGES

30 SECTION 6.(a) G.S. 105-164.14(j)(2)n. reads as rewritten:

31 "n. Solar electricity generating materials manufacturing. Solar ~~energy~~  
32 electricity generating materials manufacturing means the  
33 development and production of one or more of the following:

- 34 1. Photovoltaic materials or modules used in producing  
35 electricity.
- 36 2. Polymers or polymer films primarily intended for  
37 incorporation into photovoltaic materials or modules used in  
38 producing electricity."

39 SECTION 6.(b) This section is effective July 1, 2008, and applies to purchases  
40 made on or after that date.

41 SECTION 7. G.S. 105-187.51C(c) reads as rewritten:

42 "(c) Forfeiture. – If the required level of investment to qualify as an eligible datacenter is  
43 not timely made, then the rate provided under this section is forfeited. If the required level of  
44 investment is timely made but any eligible machinery and equipment is not located and used at  
45 an eligible datacenter, then the rate provided for that machinery and equipment under this  
46 subdivision is forfeited. A taxpayer that forfeits a rate under this subdivision is liable for all  
47 past sales and use taxes avoided as a result of the forfeiture, computed at the combined general  
48 rate from the date the taxes would otherwise have been due, plus interest at the rate established  
49 under G.S. ~~105-241.1(i)-105-241.21.~~ If the forfeiture is triggered due to the lack of a timely  
50 investment required by this section, then interest is computed from the date the sales or use tax  
51

1 would otherwise have been due. For all other forfeitures, interest is computed at the combined  
2 general rate from the time as of which the machinery or equipment was put to a disqualifying  
3 use. A credit is allowed against the sales or use tax owed as a result of the forfeiture provisions  
4 of this subsection for privilege taxes paid pursuant to this section. For purposes of applying this  
5 credit, the fact that payment of the privilege tax occurred in a period outside the statute of  
6 limitations provided under G.S. ~~405-266-105-241.6~~ shall not be considered. Interest shall not be  
7 computed against the amount of taxes offset by this credit. The past taxes and interest are due  
8 30 days after the date of forfeiture. A taxpayer that fails to pay the past taxes and interest by the  
9 due date is subject to the provisions of G.S. 105-236."

## 10 11 **PROPERTY TAX CHANGES**

12 **SECTION 8.(a)** G.S. 105-273(6) reads as rewritten:

13 "(6) Corporation. – An organization having capital stock represented by shares or  
14 an incorporated, nonprofit organization."

15 **SECTION 8.(b)** G.S. 105-277.1B(i) reads as rewritten:

16 "(i) Disqualifying Events. – Each of the following constitutes a disqualifying event:

17 (1) The owner transfers the residence. Transfer of the residence is not a  
18 disqualifying event if (i) the owner transfers the residence to a co-owner of  
19 the residence or, as part of a divorce proceeding, to his or her spouse and (ii)  
20 that individual occupies or continues to occupy the property as his or her  
21 permanent residence.

22 (2) The owner dies. Death of the owner is not a disqualifying event if (i) the  
23 owner's share passes to a co-owner of the residence or to his or her spouse  
24 ~~residence~~ and (ii) that individual occupies or continues to occupy the  
25 property as his or her permanent residence.

26 (3) The owner ceases to use the property as a permanent residence."

27 **SECTION 9.(a)** G.S. 105-282.1(a)(1) reads as rewritten:

28 "(1) No application required. – Owners of the following exempt or excluded  
29 property do not need to file an application for the exemption or exclusion to  
30 be entitled to receive it:

31 a. Property exempt from taxation under G.S. 105-278.1 or  
32 G.S. 105-278.2.

33 b. Special classes of property excluded from taxation under  
34 G.S. 105-275(15), (16), (26), (31), (32a), (33), (34), (37), (40), ~~or~~  
35 ~~(42)-(42), or (44).~~

36 c. Property classified for taxation at a reduced valuation under  
37 G.S. 105-277(g) or G.S. 105-277.9."

38 **SECTION 9.(b)** This section is effective for taxes imposed for taxable years  
39 beginning on or after July 1, 2008.

40 **SECTION 10.** G.S. 105-275 reads as rewritten:

41 "**§ 105-275. Property classified and excluded from the tax base.**

42 The following classes of property are ~~hereby~~ designated special classes under ~~authority of~~  
43 Article V, Sec. 2(2), of the North Carolina Constitution and ~~shall not be listed, appraised,~~  
44 ~~assessed, or taxed~~ are excluded from tax as provided in this section if they satisfy the  
45 application requirements in G.S. 105-282.1.

46 "...."

47 **SECTION 11.(a)** G.S. 105-277.1(d) reads as rewritten:

48 "**§ 105-277.1. (Effective for taxes imposed for taxable years beginning before July 1, 2009)**

49 **Property tax homestead exclusion.**

50 ...

1 (d) Multiple Ownership. – A permanent residence owned and occupied by husband and  
2 wife as tenants by the entirety is entitled to the full benefit of this exclusion notwithstanding  
3 that only one of them meets the age or disability requirements of this section. When a  
4 permanent residence is owned and occupied by two or more persons other than husband and  
5 wife as tenants by the entirety and one or more of the owners qualifies for this exclusion, each  
6 qualifying owner is entitled to the full amount of the exclusion not to exceed his or her  
7 proportionate share of the valuation of the property. No part of an exclusion available to one  
8 co-owner may be claimed by any other co-owner and in no event may the total exclusion  
9 allowed for a permanent residence exceed the exclusion amount provided in this section."

10 **SECTION 11.(b)** G.S. 105-277.1(d) and (e) read as rewritten:

11 **"§ 105-277.1. (Effective for taxes imposed for taxable years beginning on or after July 1,**  
12 **2009) Elderly or disabled property tax homestead exclusion.**

13 ...

14 (d) Ownership by ~~Spouses.~~Tenants by the Entirety. – A permanent residence owned and  
15 occupied by husband and wife as tenants by the entirety is entitled to the full benefit of this  
16 exclusion notwithstanding that only one of them meets the age or disability requirements of this  
17 section.

18 (e) Other Multiple Owners. – This subsection applies to co-owners who are not  
19 husband and ~~wife-wife as tenants by the entirety.~~ Each co-owner of a permanent residence must  
20 apply separately for the exclusion allowed under this section.

21 When one or more co-owners of a permanent residence qualify for the exclusion allowed  
22 under this section and none of the co-owners qualifies for the exclusion allowed under  
23 G.S. 105-277.1C, each co-owner is entitled to the full amount of the exclusion allowed under  
24 this section. The exclusion allowed to one co-owner may not exceed the co-owner's  
25 proportionate share of the valuation of the property, and the amount of the exclusion allowed to  
26 all the co-owners may not exceed the exclusion allowed under this section.

27 When one or more co-owners of a permanent residence qualify for the exclusion allowed  
28 under this section and one or more of the co-owners qualify for the exclusion allowed under  
29 G.S. 105-277.1C, each co-owner who qualifies for the exclusion under this section is entitled to  
30 the full amount of the exclusion. The exclusion allowed to one co-owner may not exceed the  
31 co-owner's proportionate share of the valuation of the property, and the amount of the exclusion  
32 allowed to all the co-owners may not exceed the greater of the exclusion allowed under this  
33 section and the exclusion allowed under G.S. 105-277.1C."

34 **SECTION 12.** G.S. 105-277.1B reads as rewritten:

35 **"§ 105-277.1B. (Effective for taxes imposed for taxable years beginning on or after July 1,**  
36 **2009) Property tax homestead circuit breaker.**

37 (a) Classification. – A permanent residence owned and occupied by a qualifying owner  
38 is designated a special class of property under Article V, Section 2(2) of the North Carolina  
39 Constitution and is taxable in accordance with this section.

40 (b) Definitions. – The definitions provided in G.S. 105-277.1 apply to this section.  
41 'Deferred taxes' means the principal amount of tax deferred under this section.

42 (c) Income Eligibility Limit. – The income eligibility limit provided in  
43 G.S. 105-277.1(a2) applies to this section.

44 (d) Qualifying Owner. – For the purpose of qualifying for the property tax homestead  
45 circuit breaker under this section, a qualifying owner is an owner who meets all of the  
46 following requirements as of January 1 preceding the taxable year for which the benefit is  
47 claimed:

- 48 (1) The owner has an income for the preceding calendar year of not more than  
49 one hundred fifty percent (150%) of the income eligibility limit specified in  
50 subsection (c) of this section.

- (2) The owner has ~~owned and~~ occupied the property as a permanent residence for at least five ~~years~~ years and has owned the property as a permanent residence for at least five consecutive years.
- (3) The owner is at least 65 years of age or totally and permanently disabled.
- (4) The owner is a North Carolina resident.

(e) Multiple Owners. – A permanent residence owned and occupied by husband and wife as tenants by the entirety is entitled to the full benefit of the property tax homestead circuit breaker notwithstanding that only one of them meets the length of occupancy ~~occupation~~ requirement and the age or disability requirement of this section. When a permanent residence is owned and occupied by two or more persons other than husband and ~~wife~~ wife as tenants by the entirety, no property tax homestead circuit breaker is allowed unless all of the owners qualify and elect to defer taxes under this section.

(f) Tax Limitation. – A qualifying owner may defer the portion of tax imposed on his or her permanent residence if it exceeds the percentage of the qualifying owner's income set out in the table in this subsection. If a permanent residence is subject to tax by more than one taxing unit and the total tax liability exceeds the tax limit imposed by this section, then both the taxes due under this section and the taxes deferred under this section must be apportioned among the taxing units based upon the ratio each taxing unit's tax rate bears to the total tax rate of all units.

Income Over	Income Up To	Percentage
-0-	Income Eligibility Limit	4.0%
Income Eligibility Limit	150% of Income Eligibility Limit	5.0%

(g) Temporary Absence. – An otherwise qualifying owner does not lose the benefit of this circuit breaker because of a temporary absence from his or her permanent residence for reasons of health, or because of an extended absence while confined to a rest home or nursing home, so long as the residence is unoccupied or occupied by the owner's spouse or other dependent.

(h) Deferred Taxes. – The difference between the taxes due under this section and the taxes that would have been payable in the absence of this section are a lien on the real property of the taxpayer as provided in G.S. 105-355(a). The difference in taxes for the three fiscal years preceding the ~~current~~ tax year in which a disqualifying event occurs shall be carried forward in the records of the taxing unit or units as deferred taxes. The deferred taxes are due and payable in accordance with G.S. 105-277.1F when the property loses its eligibility for deferral because of the occurrence of a disqualifying event as provided in subsection (i) of this section. On or before September 1 of each year, the collector shall ~~notify each residence owner to whom a tax deferral has previously been granted of the accumulated sum of deferred taxes and interest~~ send to the mailing address of a residence on which taxes have been deferred a notice stating the amount of deferred taxes and interest that are due and payable upon the occurrence of a disqualifying event.

- (i) Disqualifying Events. – Each of the following constitutes a disqualifying event:
  - (1) The owner transfers the residence. Transfer of the residence is not a disqualifying event if (i) the owner transfers the residence to a co-owner of the residence or, as part of a divorce proceeding, to his or her spouse and (ii) that individual occupies or continues to occupy the property as his or her permanent residence.
  - (2) The owner dies. Death of the owner is not a disqualifying event if (i) the owner's share passes to a co-owner of the residence or to his or her spouse ~~residence~~ and (ii) that individual occupies or continues to occupy the property as his or her permanent residence.
  - (3) The owner ceases to use the property as a permanent residence.

1 (j) Gap in Deferral. – If an owner of a residence on which taxes have been deferred  
2 under this section is not eligible for continued deferral for a tax year, the three years for which  
3 the deferred taxes deferred from the prior tax years are carried forward are not due and payable  
4 ~~but are carried forward~~ until a disqualifying event occurs. If the owner of the residence  
5 qualifies for deferral after one or more years in which he or she did not qualify for deferral, the  
6 years in which the owner did not qualify are disregarded in determining the three years for  
7 which the deferred taxes are carried forward.

8 (k) **(Repealed effective for taxes imposed for taxable years beginning on or after**  
9 **July 1, 2008)** Prepayment. – All or part of the deferred taxes and accrued interest may be paid  
10 to the tax collector at any time. Any partial payment is applied first to accrued interest. A  
11 residence owner to whom a tax deferral has previously been granted may revoke the application  
12 for deferral at any time by notifying the assessor in writing.

13 (l) Creditor Limitations. – A mortgagee or trustee that elects to pay any tax deferred by  
14 the owner of a residence subject to a mortgage or deed of trust does not acquire a right to  
15 foreclose as a result of the election. Except for requirements dictated by federal law or  
16 regulation, any provision in a mortgage, deed of trust, or other agreement that prohibits the  
17 owner from deferring taxes on property under this section is void.

18 (m) Construction. – This section does not affect the attachment of a lien for personal  
19 property taxes against a tax-deferred residence.

20 (n) Application. – An application for property tax relief provided by this section should  
21 be filed during the regular listing period, but may be filed and must be accepted at any time up  
22 to and through June 1 preceding the tax year for which the relief is claimed. Persons may apply  
23 for this property tax relief by entering the appropriate information on a form made available by  
24 the assessor under G.S. 105-282.1."

25 **SECTION 13.** G.S. 105-277.1C reads as rewritten:

26 **"§ 105-277.1C. (Effective for taxes imposed for taxable years beginning on or after July 1,**  
27 **2009) Disabled veteran property tax homestead exclusion.**

28 (a) Exclusion. – A permanent residence owned and occupied by an owner who is a  
29 North Carolina resident and who is an honorably discharged disabled veteran or the unmarried  
30 surviving spouse of an honorably discharged disabled veteran is designated a special class of  
31 property under Article V, Section 2(2) of the North Carolina Constitution and is taxable in  
32 accordance with this section. The first forty-five thousand dollars (\$45,000) of appraised value  
33 of the residence is excluded from taxation. An owner who receives an exclusion under this  
34 section may not receive other property tax relief.

35 (b) Definitions. – The following definitions apply in this section:

36 (1) Disabled veteran. – A veteran who, as of January 1 preceding the taxable  
37 year for which the exclusion allowed by this section is claimed, ~~receives~~  
38 received benefits under 38 U.S.C. § 2101 or has a veteran's disability  
39 certification.

40 (2) Owner. – Defined in G.S. 105-277.1.

41 (3) Permanent residence. – Defined in G.S. 105-277.1.

42 (4) Property tax relief. – Defined in G.S. 105-277.1.

43 (5) Veteran. – A veteran of any branch of the Armed Forces of the United  
44 States.

45 (6) Veteran's disability certification. – A certification by the United States  
46 Department of Veterans Affairs or another federal agency that a veteran has  
47 a permanent total disability that is service-connected.

48 (c) Temporary Absence. – An owner does not lose the benefit of this exclusion because  
49 of a temporary absence from his or her permanent residence for reasons of health or because of  
50 an extended absence while confined to a rest home or nursing home, so long as the residence is  
51 unoccupied or occupied by the owner's spouse or other dependent.

1 (d) Ownership by ~~Spouses.~~Tenants by the Entirety. – A permanent residence owned and  
2 occupied by husband and wife as tenants by the entirety is entitled to the full benefit of this  
3 exclusion notwithstanding that only one of them meets the requirements of this section.

4 (e) Other Multiple Owners. – This subsection applies to co-owners who are not  
5 husband and ~~wife.~~wife as tenants by the entirety. Each co-owner of a permanent residence must  
6 apply separately for the exclusion allowed under this section.

7 When one or more co-owners of a permanent residence qualify for the exclusion allowed  
8 under this section and none of the co-owners qualifies for the exclusion allowed under  
9 G.S. 105-277.1, each co-owner is entitled to the full amount of the exclusion allowed under this  
10 section. The exclusion allowed to one co-owner may not exceed the co-owner's proportionate  
11 share of the valuation of the property, and the amount of the exclusion allowed to all the  
12 co-owners may not exceed the exclusion allowed under this section.

13 When one or more co-owners of a permanent residence qualify for the exclusion allowed  
14 under this section and one or more of the co-owners qualify for the exclusion allowed under  
15 G.S. 105-277.1, each co-owner who qualifies for the exclusion allowed under this section is  
16 entitled to the full amount of the exclusion. The exclusion allowed to one co-owner may not  
17 exceed the co-owner's proportionate share of the valuation of the property, and the amount of  
18 the exclusion allowed to all the co-owners may not exceed the greater of the exclusion allowed  
19 under this section and the exclusion allowed under G.S. 105-277.1.

20 (f) Application. – An application for the exclusion allowed under this section should be  
21 filed during the regular listing period, but may be filed and must be accepted at any time up to  
22 and through June 1 preceding the tax year for which the exclusion is claimed. An applicant for  
23 an exclusion under this section must establish eligibility for the exclusion by providing a copy  
24 of the veteran's disability certification or evidence of benefits received under 38 U.S.C. §  
25 2101."

26 **SECTION 14.** G.S. 105-282.1(a) reads as rewritten:

27 "(a) Application. – Every owner of property claiming exemption or exclusion from  
28 property taxes under the provisions of this Subchapter has the burden of establishing that the  
29 property is entitled to it. If the property for which the exemption or exclusion is claimed is  
30 appraised by the Department of Revenue, the application shall be filed with the Department.  
31 Otherwise, the application shall be filed with the assessor of the county in which the property is  
32 situated. An application must contain a complete and accurate statement of the facts that entitle  
33 the property to the exemption or exclusion and must indicate the municipality, if any, in which  
34 the property is located. Each application filed with the Department of Revenue or an assessor  
35 shall be submitted on a form approved by the Department. Application forms shall be made  
36 available by the assessor and the Department, as appropriate.

37 Except as provided below, an owner claiming an exemption or exclusion from property  
38 taxes must file an application for the exemption or exclusion annually during the listing period.

39 (1) No application required. – Owners of the following exempt or excluded  
40 property do not need to file an application for the exemption or exclusion to  
41 be entitled to receive it:

42 a. Property exempt from taxation under G.S. 105-278.1 or  
43 G.S. 105-278.2.

44 b. Special classes of property excluded from taxation under  
45 G.S. 105-275(15), (16), (26), (31), (32a), (33), (34), (37), (40), ~~or~~  
46 ~~(42)-(42), or (44).~~

47 c. Property classified for taxation at a reduced valuation under  
48 G.S. 105-277(g) or G.S. 105-277.9.

49 (2) **(Effective for taxes imposed for taxable years beginning before July 1,**  
50 **2009)** Single application required. – An owner of one or more of the  
51 following properties eligible to be exempted or excluded from taxation must

1 file an application for exemption or exclusion to receive it. Once the  
2 application has been approved, the owner does not need to file an application  
3 in subsequent years unless new or additional property is acquired or  
4 improvements are added or removed, necessitating a change in the valuation  
5 of the property, or there is a change in the use of the property or the  
6 qualifications or eligibility of the taxpayer necessitating a review of the  
7 exemption or exclusion:

- 8 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,  
9 105-278.5, 105-278.6, 105-278.7, or 105-278.8.
- 10 b. Special classes of property excluded from taxation under  
11 G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),  
12 (36), (38), (39), ~~or (41)(41)~~, or (45) or under G.S. 131A-21.
- 13 c. Special classes of property classified for taxation at a reduced  
14 valuation under G.S. 105-277(h), 105-277.1, 105-277.10,  
15 105-277.13, 105-278.
- 16 d. Property owned by a nonprofit homeowners' association but where  
17 the value of the property is included in the appraisals of property  
18 owned by members of the association under G.S. 105-277.8.

19 (2) **(Effective for taxes imposed for taxable years beginning on or after July**  
20 **1, 2009 and before July 1, 2010)** Single application required. – An owner of  
21 one or more of the following properties eligible for a property tax benefit  
22 must file an application for the benefit to receive it. Once the application has  
23 been approved, the owner does not need to file an application in subsequent  
24 years unless new or additional property is acquired or improvements are  
25 added or removed, necessitating a change in the valuation of the property, or  
26 there is a change in the use of the property or the qualifications or eligibility  
27 of the taxpayer necessitating a review of the benefit.

- 28 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,  
29 105-278.5, 105-278.6, 105-278.7, or 105-278.8.
- 30 b. Special classes of property excluded from taxation under  
31 G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),  
32 (36), (38), (39), ~~or (41)(41)~~, or (45) or under G.S. 131A-21.
- 33 c. Special classes of property classified for taxation at a reduced  
34 valuation under G.S. 105-277(h), 105-277.1, 105-277.1C,  
35 105-277.10, 105-277.13, 105-277.14, or 105-278.
- 36 d. Property owned by a nonprofit homeowners' association but where  
37 the value of the property is included in the appraisals of property  
38 owned by members of the association under G.S. 105-277.8.
- 39 e. Repealed by Session Laws 2008-35, s. 1.2, effective for taxes  
40 imposed for taxable years beginning on or after July 1, 2008.

41 (2) **(Effective for taxes imposed for taxable years beginning on or after July**  
42 **1, 2010)** Single application required. – An owner of one or more of the  
43 following properties eligible for a property tax benefit must file an  
44 application for the benefit to receive it. Once the application has been  
45 approved, the owner does not need to file an application in subsequent years  
46 unless new or additional property is acquired or improvements are added or  
47 removed, necessitating a change in the valuation of the property, or there is a  
48 change in the use of the property or the qualifications or eligibility of the  
49 taxpayer necessitating a review of the benefit.

- 50 a. Property exempted from taxation under G.S. 105-278.3, 105-278.4,  
51 105-278.5, 105-278.6, 105-278.7, or 105-278.8.

- 1                   b.     Special classes of property excluded from taxation under  
2                   G.S. 105-275(3), (7), (8), (12), (17), (18), (19), (20), (21), (31e), (35),  
3                   (36), (38), (39), ~~or (41)(41), or (45)~~ or under G.S. 131A-21.
- 4                   c.     Special classes of property classified for taxation at a reduced  
5                   valuation under G.S. 105-277(h), 105-277.1, 105-277.1C,  
6                   105-277.10, 105-277.13, ~~105-278, or 105-277.15-105-277.14,~~  
7                   105-277.15, or 105-278.
- 8                   d.     Property owned by a nonprofit homeowners' association but where  
9                   the value of the property is included in the appraisals of property  
10                  owned by members of the association under G.S. 105-277.8.
- 11                  e.     Repealed by Session Laws 2008-35, s. 1.2, effective for taxes  
12                  imposed for taxable years beginning on or after July 1, 2008."

13                  **SECTION 15.** G.S. 105-277.14(d) is repealed.

14                  **SECTION 16.** G.S. 105-361(a) reads as rewritten:

15                  "(a)   Duty to Furnish a Certificate. – On the request of any of the persons prescribed in  
16                  subdivision (a)(1), below, and upon the condition prescribed by subdivision (a)(2), below, the  
17                  tax collector shall furnish a written certificate stating the amount of any taxes and special  
18                  assessments owed for the current year and for any prior years in his hands for collection  
19                  ~~(together with any penalties, interest, and costs accrued thereon)~~ including the amount due  
20                  under G.S. 105-277.4(e) if the property should lose its eligibility for the benefit of classification  
21                  under G.S. 105-277.2 et seq. that are a lien on a parcel of real property in the taxing unit years.  
22                  The certificate shall include deferred taxes that are due and payable because of the occurrence  
23                  of a disqualifying event.

24                  (1)   Who May Make Request. – Any of the following persons shall be entitled to  
25                  request the certificate:

- 26                  a.     An owner of the real property;  
27                  b.     An occupant of the real property;  
28                  c.     A person having a lien on the real property;  
29                  d.     A person having a legal interest or estate in the real property;  
30                  e.     A person or firm having a contract to purchase or lease the property  
31                  or a person or firm having contracted to make a loan secured by the  
32                  property;  
33                  f.     The authorized agent or attorney of any person described in  
34                  subdivisions (a)(1)a through e above."

## 36 OCCUPANCY TAX CHANGES

37                  **SECTION 17.** Section 1 of S.L. 2008-33 reads as rewritten:

38                  "**SECTION 1.** Chapter 1055 of the 1983 Session ~~Laws~~ Laws, as amended by Section 21(e)  
39                  of S.L. 2007-527, reads as rewritten:

40                  '~~Section 1. Levy of Tax.~~ Occupancy Tax. –

41                  (a)   Authorization and Scope. – The Cherokee County Board of Commissioners may ~~by~~  
42                  ~~resolution, after not less than 10 days' public notice and after a public hearing held pursuant~~  
43                  ~~thereto,~~ levy a room occupancy and tourism development tax.

44                  ~~(b)   Collection of the tax, and liability therefor, shall begin and continue only on and~~  
45                  ~~after the first day of a calendar month set by the Cherokee County Board of Commissioners in~~  
46                  ~~the resolution levying the tax, which in no case may be earlier than the first day of the second~~  
47                  ~~succeeding calendar month after the date of adoption of the resolution.~~

48                  ~~Sec. 2. Occupancy Tax.~~

49                  ~~(a)   The county room occupancy and tourism development tax that may be levied under~~  
50                  ~~this act shall be a percentage tax of three percent (3%) of the gross receipts derived from the~~  
51                  rental of any room, lodging, or similar accommodation furnished by any hotel, motel, inn,

1 tourist camp, or other similar place within the county ~~now that is~~ subject to the three percent  
2 ~~(3%) sales tax imposed by the State under G.S. 405-164.4(3)-105-164.4(a)(3). During the first~~  
3 ~~year in which a tax levied under this act is in effect, the tax shall be three percent (3%) of the~~  
4 ~~gross receipts derived from the rental of taxable accommodations in the county. Thereafter, the~~  
5 ~~rate of tax shall continue to be three percent (3%) unless the Cherokee County Board of~~  
6 ~~Commissioners, by resolution, adopts a rate of less than three percent (3%). A change in the~~  
7 ~~occupancy tax rate adopted by the board of commissioners becomes effective the first day of~~  
8 ~~the second succeeding calendar month following the date of adoption of the resolution. The~~  
9 ~~Cherokee County Board of Commissioners may not change the occupancy tax rate more than~~  
10 ~~once a year.~~

11 ~~(b) The occupancy tax is in addition to any State or local sales tax. This tax does not~~  
12 ~~apply to accommodations furnished by nonprofit charitable, educational, benevolent, or~~  
13 ~~religious organizations.~~

14 ~~(b) Authorization of Additional Tax. – In addition to the tax authorized by subsection~~  
15 ~~(a) of this section, the Cherokee County Board of Commissioners may levy an additional room~~  
16 ~~occupancy tax of up to three percent (3%) of the gross receipts derived from the rental of~~  
17 ~~accommodations taxable under subsection (a) of this section. The levy, collection,~~  
18 ~~administration, and repeal of the tax authorized by this subsection shall be in accordance with~~  
19 ~~the provisions of this act. Cherokee County may not levy a tax under this subsection unless it~~  
20 ~~also levies the tax authorized under subsection (a) of this section.~~

21 ~~'Sec. 3. Administration of Tax. – A tax levied under this act shall be levied, collected,~~  
22 ~~administered, and repealed as provided in G.S. 153A-155. The penalties provided in~~  
23 ~~G.S. 153A-155 apply to a tax levied under this act.~~

24 ~~(a) Any tax levied under this act is due and payable to the county in monthly~~  
25 ~~installments on or before the 20th day of the month following the month in which the tax~~  
26 ~~accrues. Every person, firm, corporation, or association liable for the tax shall, on or before the~~  
27 ~~20th day of each month, prepare and render a return on a form prescribed by the county. The~~  
28 ~~return shall state the total gross receipts derived in the preceding month from rentals upon~~  
29 ~~which the tax is levied.~~

30 ~~(b) Any person, firm, corporation, or association who fails or refuses to file the return~~  
31 ~~required by this act shall pay a penalty of ten dollars (\$10.00) for each day's omission.~~

32 ~~(c) In case of failure or refusal to file the return or pay the tax for a period of 30 days~~  
33 ~~after the time required for filing the return or for paying the tax, there shall be an additional tax,~~  
34 ~~as a penalty, of five percent (5%) of the tax due in addition to the penalty prescribed in~~  
35 ~~subsection (b), with an additional tax of five percent (5%) for each additional month or fraction~~  
36 ~~thereof until the occupancy tax is paid.~~

37 ~~(d) Any person who willfully attempts in any manner to evade the occupancy tax~~  
38 ~~imposed by this act or to make a return and who willfully fails to pay the tax or make and file a~~  
39 ~~return shall, in addition to all other penalties provided by law, be guilty of a misdemeanor and~~  
40 ~~shall be punishable by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to~~  
41 ~~exceed six months, or both.~~

42 ~~'Sec. 4. Collection of Tax. Every operator of a business subject to the tax levied pursuant to~~  
43 ~~this act shall collect the tax on and after the effective date of the levy of the tax.~~

44 ~~This tax shall be collected as part of the charge for the furnishing of any taxable~~  
45 ~~accommodations. The tax shall be stated and charged separately from the sales records, and~~  
46 ~~shall be paid by the purchaser to the operator of the business as trustee for and on account of~~  
47 ~~Cherokee County. The room occupancy tax levied under this act shall be added to the sales~~  
48 ~~price and shall be passed on to the purchaser instead of being borne by the operator of the~~  
49 ~~business. The county shall design, print, and furnish to all appropriate businesses in the county~~  
50 ~~the necessary forms for filing returns and instructions to ensure the full collection of the tax.~~

1 ~~'Sec. 5. Disposition of Taxes Collected.~~Distribution and use of tax revenue. – Cherokee  
2 ~~County shall~~shall, on a quarterly basis, remit the net proceeds of all revenues received from the  
3 ~~room occupancy tax to the Cherokee County Tourism Development Authority.~~Authority  
4 ~~appointed pursuant to this act. The Authority shall use at least two-thirds of the funds remitted~~  
5 ~~to it under this act to promote travel and tourism in Cherokee County and shall use the~~  
6 ~~remainder for tourism-related expenditures. "Net proceeds" means gross proceeds less the cost~~  
7 ~~to the county of administering and collecting the tax. The Authority may expend these funds~~  
8 ~~only to further the development of travel, tourism, and conventions in the county through~~  
9 ~~advertising and promotion.~~

10 The following definitions apply in this section:

- 11 (1) Net proceeds. – Gross proceeds less the cost to the county of administering  
12 and collecting the tax, as determined by the finance officer, not to exceed  
13 three percent (3%) of the first five hundred thousand dollars (\$500,000) of  
14 gross proceeds collected each year and one percent (1%) of the remaining  
15 gross receipts collected each year.
- 16 (2) Promote travel and tourism. – To advertise or market an area or activity,  
17 publish and distribute pamphlets and other materials, conduct market  
18 research, or engage in similar promotional activities that attract tourists or  
19 business travelers to the area. The term includes administrative expenses  
20 incurred in engaging in the listed activities.
- 21 (3) Tourism-related expenditures. – Expenditures that, in the judgment of the  
22 Tourism Development Authority, are designed to increase the use of lodging  
23 facilities, meeting facilities, or convention facilities in a county or to attract  
24 tourists or business travelers to the county. The term includes  
25 tourism-related capital expenditures.

26 ~~'Sec. 6. Appointment, Duties of Cherokee County Tourism Development Authority. –~~

27 (a) Appointment and Membership. – When the Cherokee County Board of  
28 Commissioners adopts a resolution levying a room occupancy tax, tax under this act, it shall  
29 also adopt a resolution creating a County Tourism Development Authority composed of the  
30 director of the Cherokee County Chamber of Commerce and the following four members  
31 appointed by the Cherokee County Board of Commissioners:

- 32 (1) ~~an owner of a hotel, motel, or other accommodations subject to the tax~~  
33 ~~levied by this act;~~
- 34 (2) ~~a member of the board of county commissioners;~~
- 35 (3) ~~a town commissioner or the mayor of the Town of Murphy; and~~
- 36 (4) ~~a town alderman or the mayor of the Town of Andrews.~~

37 The director of the Cherokee County Chamber of Commerce shall serve as an ex officio  
38 member of the Authority. The members appointed by the board of county commissioners shall  
39 serve three year terms, except the initial appointees. Of the initial appointees, the board of  
40 commissioners shall designate one to serve a one year term, two a two year term, and one a  
41 three year term. Vacancies created by an appointed member shall be filled by the board of  
42 commissioners. Members appointed to fill vacancies shall serve the remainder of the unexpired  
43 term for which they are appointed to fill.~~Authority, which shall be a public authority under the~~  
44 Local Government Budget and Fiscal Control Act. The resolution shall provide for the  
45 membership of the Authority, including the members' terms of office, and for the filling of  
46 vacancies on the Authority. At least one-third of the members must be individuals who are  
47 affiliated with businesses that collect the tax in the county, and at least one-half of the members  
48 must be individuals who are currently active in the promotion of travel and tourism in the  
49 county. The board of commissioners shall designate one member of the Authority as chair and  
50 shall determine the compensation, if any, to be paid to members of the Authority.

1 The Authority shall meet at the call of the chair and shall adopt rules of procedure to govern  
2 its meetings. The Finance Officer for Cherokee County shall be the ex officio finance officer of  
3 the Authority.

4 (b) Duties. – The Authority shall expend the net proceeds of the tax levied under this  
5 act for the purposes provided in this act. The Authority shall promote travel, tourism, and  
6 conventions in the county, sponsor tourist-related events and activities in the county, and  
7 finance tourist-related capital projects in the county.~~The members of the Tourism Development~~  
8 ~~Authority shall elect from its membership a chairman. The Authority shall meet at the call of~~  
9 ~~the chairman and shall adopt rules of procedure to govern its meetings. The finance officer of~~  
10 ~~Cherokee County shall serve ex officio as accountant for the Authority.~~

11 (c) Reports. – ~~The Tourism Development Authority~~ shall report quarterly and at the  
12 close of the fiscal year to the board of county commissioners on its receipts and disbursements  
13 for the preceding quarter and for the year in such detail as the board may require.

14 ~~'Sec. 7. Repeal of Levy.~~

15 (a) ~~The board of county commissioners may by resolution repeal the levy of the room~~  
16 ~~occupancy tax in Cherokee County, but no repeal of taxes levied under this act is effective until~~  
17 ~~the end of the fiscal year in which the repeal resolution was adopted.~~

18 (b) ~~No liability for any tax levied under this act that attached prior to the date on which~~  
19 ~~a levy is repealed is discharged as a result of the repeal, and no right to a refund of a tax that~~  
20 ~~accrued prior to the effective date on which a levy is repealed may be denied as a result of the~~  
21 ~~repeal.~~

22 ~~"Sec. 8. This act is effective upon ratification."~~

23 **SECTION 18.** The catchline for Section 21(j) of S.L. 2007-527 reads as rewritten:

24 **"SECTION 21.(j)** Subsection (a) of Section 4 of Chapter 929 of the 1985 Session ~~Laws as~~  
25 ~~amended by S.L.1985-929-Laws, as amended by Chapter 319 of the 1987 Session Laws, reads~~  
26 ~~as rewritten:"~~

27 **SECTION 19.** Section 1(b) of S.L. 2005-68 reads as rewritten:

28 **"SECTION 1.(b)** Administration. – Except as otherwise provided in this act, a tax levied  
29 under this section shall be levied, administered, and collected as provided in Part IV of Chapter  
30 908 of the 1983 Session Laws, as amended by Chapters 821 and 922 of the 1989 Session ~~Laws~~  
31 ~~and S.L. 2001-402-Laws, S.L. 2001-402, and Section 21(cc) of S.L. 2007-527.~~ The penalties  
32 provided in Part IV of Chapter 908 of the 1983 Session Laws, as amended by Chapters 821 and  
33 922 of the 1989 Session Laws and S.L. 2001-402, apply to a tax levied under this section."  
34

## 35 MOTOR FUEL TAX CHANGES

36 **SECTION 20.** G.S. 105-449.72 is amended by adding a new subsection to read:

37 **"(f)** Exemption. – The requirement to obtain a bond or irrevocable letter of credit does  
38 not apply to a distributor, importer, or motor fuel transporter who supplies motor fuel when the  
39 market for motor fuel is disrupted and emergency supplies are needed, as identified by an  
40 executive order of the Governor."

41 **SECTION 21.** G.S. 105-449.121(b)(2) reads as rewritten:

42 **"(2)** Audit a distributor, a retailer, a ~~bulk end user,~~ bulk end-user, or a motor fuel  
43 user that is not licensed under this Article."

44 **SECTION 22.** G.S. 105-449.136 reads as rewritten:

45 **"§ 105-449.136. Tax on alternative fuel.**

46 A tax at the motor fuel rate is imposed on liquid alternative fuel used to operate a highway  
47 vehicle by means of a vehicle supply tank that stores fuel only for the purpose of supplying fuel  
48 to operate the vehicle. A tax at the equivalent of the motor fuel rate is imposed on all other  
49 alternative fuel used to operate a highway vehicle. The Secretary must determine the equivalent  
50 rate. The exemptions from the tax on motor fuel in ~~G.S. 105-449.88(2), (3), and (4)~~  
51 G.S. 105-449.88 apply to the tax imposed by this section. The refunds for motor fuel tax

1 allowed by Part 5 of Article 36C of this Chapter apply to the tax imposed by this section,  
2 except that the refund allowed by G.S. 105-449.107(b) for certain vehicles that use power  
3 takeoffs does not apply to a vehicle whose use of alternative fuel is taxed on the basis of miles  
4 driven. The proceeds of the tax imposed by this section must be allocated in accordance with  
5 G.S. 105-449.125."

## 6 7 **OTHER CHANGES**

8 **SECTION 23.** Section 67(a) of S.L. 2008-134 reads as rewritten:

9 "**SECTION 67.(a)** G.S. ~~58-5-25(a)(2)~~58-6-25(a)(2) is repealed."

10 **SECTION 24.(a)** G.S. 153A-156.1 reads as rewritten:

11 "**§ 153A-156.1. (For effective date, see note) Heavy equipment gross receipts tax in lieu of**  
12 **property tax.**

13 (a) Definitions. – The following definitions apply in this section:

14 (1) Heavy equipment. – Earthmoving, construction, or industrial equipment that  
15 is mobile, weighs at least 1,500 pounds, and meets any of the descriptions  
16 listed in this subdivision. The term includes an attachment for heavy  
17 equipment, regardless of the weight of the attachment.

18 a. It is a self-propelled vehicle that is not designed to be driven on a  
19 highway.

20 b. It is industrial lift equipment, industrial material handling equipment,  
21 industrial electrical generation equipment, or a similar piece of  
22 industrial equipment.

23 (2) Short-term lease or rental. – Defined in G.S. 105-187.1.

24 (b) Tax Authorized. – A county may, by ~~resolution~~ordinance, impose a tax at the rate  
25 of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of  
26 heavy equipment by a person whose principal business is the short-term lease or rental of heavy  
27 equipment at retail. The heavy equipment subject to this tax is exempt from property tax under  
28 G.S. 105-275, and this tax provides an alternative to a property tax on the equipment. A person  
29 is not considered to be in the short-term lease or rental business if the majority of the person's  
30 lease and rental gross receipts are derived from leases and rentals to a person who is a related  
31 person under G.S. 105-163.010.

32 The tax authorized by this section applies to gross receipts that are subject to tax under  
33 G.S. 105-164.4(a)(2). Gross receipts from the short-term lease or rental of heavy equipment are  
34 subject to a tax imposed by a county under this section if the place of business from which the  
35 heavy equipment is delivered is located in the county.

36 (c) Payment. – A person whose principal business is the short-term lease or rental of  
37 heavy equipment is required to remit a tax imposed by this section to the county finance  
38 officer. The tax is payable quarterly and is due by the last day of the month following the end  
39 of the quarter. The tax is intended to be added to the amount charged for the short-term lease or  
40 rental of heavy equipment and paid to the heavy equipment business by the person to whom the  
41 heavy equipment is leased or rented.

42 (d) Enforcement. – The penalties and collection remedies that apply to the payment of  
43 sales and use taxes under Article 5 of Chapter 105 of the General Statutes apply to a tax  
44 imposed under this section. The county finance officer has the same authority as the Secretary  
45 of Revenue in imposing these penalties and remedies.

46 (e) Effective Date. – A tax imposed under this section becomes effective on the date set  
47 in the ~~resolution~~ordinance imposing the tax. The date must be the first day of a calendar  
48 quarter and may not be sooner than the first day of the calendar quarter that begins at least two  
49 months after the date the ~~resolution~~ordinance is adopted.

50 (f) Repeal. – A county may, by ~~resolution~~ordinance, repeal a tax imposed under this  
51 section. The repeal is effective on the date set in the ~~resolution~~ordinance. The date must be the

1 first day of a calendar quarter and may not be sooner than the first day of the calendar quarter  
2 that begins at least two months after the date the ~~resolution-ordinance~~ is adopted."

3 **SECTION 24.(b)** G.S. 160A-215.2 reads as rewritten:

4 "**§ 160A-215.2. (For effective date, see note) Heavy equipment gross receipts tax in lieu of**  
5 **property tax.**

6 (a) Definitions. – The following definitions apply in this section:

7 (1) Heavy equipment. – Defined in G.S. 153A-156.1.

8 (2) Short-term lease or rental. – Defined in G.S. 105-187.1.

9 (b) Tax Authorized. – A city may, by ~~resolution, ordinance,~~ impose a tax at the rate of  
10 eight tenths percent (0.8%) on the gross receipts from the short-term lease or rental of heavy  
11 equipment by a person whose principal business is the short-term lease or rental of heavy  
12 equipment at retail. The heavy equipment subject to this tax is exempt from property tax under  
13 G.S. 105-275, and this tax provides an alternative to a property tax on the equipment. A person  
14 is not considered to be in the short-term lease or rental business if the majority of the person's  
15 lease and rental gross receipts are derived from leases and rentals to a person who is a related  
16 person under G.S. 105-163.010.

17 The tax authorized by this section applies to gross receipts that are subject to tax under  
18 G.S. 105-164.4(a)(2). Gross receipts from the short-term lease or rental of heavy equipment are  
19 subject to a tax imposed by a city under this section if the place of business from which the  
20 heavy equipment is delivered is located in the city.

21 (c) Payment. – A person whose principal business is the short-term lease or rental of  
22 heavy equipment is required to remit a tax imposed by this section to the city finance officer.  
23 The tax is payable quarterly and is due by the last day of the month following the end of the  
24 quarter. The tax is intended to be added to the amount charged for the short-term lease or rental  
25 of heavy equipment and paid to the heavy equipment business by the person to whom the heavy  
26 equipment is leased or rented.

27 (d) Enforcement. – The penalties and collection remedies that apply to the payment of  
28 sales and use taxes under Article 5 of Chapter 105 of the General Statutes apply to a tax  
29 imposed under this section. The city finance officer has the same authority as the Secretary of  
30 Revenue in imposing these penalties and remedies.

31 (e) Effective Date. – A tax imposed under this section becomes effective on the date set  
32 in the ~~resolution-ordinance~~ imposing the tax. The date must be the first day of a calendar  
33 quarter and may not be sooner than the first day of the calendar quarter that begins at least two  
34 months after the date the ~~resolution-ordinance~~ is adopted.

35 (f) Repeal. – A city may, by ~~resolution, ordinance,~~ repeal a tax imposed under this  
36 section. The repeal is effective on the date set in the ~~resolution-ordinance~~. The date must be the  
37 first day of a calendar quarter and may not be sooner than the first day of the calendar quarter  
38 that begins at least two months after the date the ~~resolution-ordinance~~ is adopted."

39 **SECTION 24.(c)** This section does not affect the rights or liabilities of a county or  
40 city, a taxpayer, or another person arising under G.S. 160A-215.2 or G.S. 153A-156.1 before  
41 the effective date of this section; nor does it affect the right to any refund or credit of a tax that  
42 accrued under G.S. 160A-215.2 or G.S. 153A-156.1 before the effective date of this section.  
43 All existing ordinances or resolutions enacted under G.S. 160A-215.2 or G.S. 153A-156.1 prior  
44 to the effective date of this section shall continue in full force and effect until repealed,  
45 modified, or amended.

46 **EFFECTIVE DATE**

47 **SECTION 25.** Except as otherwise provided, this act is effective when it becomes  
48 law.  
49