

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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SENATE BILL 1430

Short Title: Govt. Entity Sales Tax Refund Modification. (Public)

Sponsors: Senators Graham; and Hartsell.

Referred to: Finance.

May 26, 2010

A BILL TO BE ENTITLED

1 AN ACT TO PERMIT MIXED GOVERNMENTAL ENTITIES A SALES AND USE TAX
2 REFUND.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 105-164.14(c) is amended by adding a new subdivision to read:

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

17 This subsection applies only to the following governmental entities:

18 (1) A county.

19 (2) A city as defined in G.S. 160A-1.

20 (2a) A consolidated city-county as defined in G.S. 160B-2.

21 (2b), (2c) Repealed by Session Laws 2005-276, s. 7.51(a), effective July 1, 2005,
22 and applicable to sales made on or after that date.

23 (2d) A joint agency consisting of any combination of the entities listed in
24 subdivision (1), (2), or (2a) of this subsection.

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26 **SECTION 2.** This act becomes effective July 1, 2008, and applies to sales made on
27 or after that date.

