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SENATE BILL DRS45420-BAxfz-22B*

Short Title: Revenue Laws Recommendations. (Public)

Sponsors: Senator Newton (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE REVENUE LAWS.
3 The General Assembly of North Carolina enacts:
4

5 **PART I. IRC UPDATE**

6 **SECTION 1.(a)** G.S. 105-228.90(b)(1b) reads as rewritten:

7 "(1b) Code. – The Internal Revenue Code as enacted as of ~~January 1, 2019,~~ May 1,
8 2020, including any provisions enacted as of that date that become effective
9 either before or after that date."

10 **SECTION 1.(b)** G.S. 105-130.5(a) reads as rewritten:

11 "(a) The following additions to federal taxable income shall be made in determining State
12 net income:

13 ...

14 (31) For taxable years 2019 and 2020, a taxpayer must add an amount equal to the
15 amount by which the taxpayer's interest expense deduction under section
16 163(j) of the Code exceeds the interest expense deduction that would have
17 been allowed under the Code as enacted as of January 1, 2020, as calculated
18 on a separate entity basis. The purpose of this subdivision is to decouple from
19 the modification of limitation on business interest allowed under section 2306
20 of the CARES Act.

21 (32) A taxpayer must add the amount of any forgiveness of indebtedness on a
22 covered loan. The term "covered loan" has the same meaning as defined in
23 section 1106 of the CARES Act. The purpose of this subdivision is to
24 decouple from the loan forgiveness allowed under section 1106 of the CARES
25 Act."

26 **SECTION 1.(c)** G.S. 105-153.5(a)(2)a. reads as rewritten:

27 "a. Charitable Contribution. – The amount allowed as a deduction for
28 charitable contributions under section 170 of the Code for that taxable
29 year. For taxable years 2014 through 2018, a taxpayer who elected to
30 take the income exclusion under section 408(d)(8) of the Code for a
31 qualified charitable distribution from an individual retirement plan by
32 a person who has attained the age of 70 1/2 may deduct the amount
33 that would have been allowed as a charitable deduction under section
34 170 of the Code had the taxpayer not elected to take the income
35 exclusion. For taxable year 2020, notwithstanding
36 G.S. 105-228.90(b)(1b), the term "Code" is the Internal Revenue Code



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1 as enacted as of January 1, 2020. For taxable years beginning on or
2 after January 1, 2021, a taxpayer may only carry forward the charitable
3 contributions from taxable year 2020 that exceed the applicable
4 percentage limitation for the 2020 taxable year allowed under this
5 sub-subdivision. The purpose for defining the Code differently for the
6 2020 taxable year is to decouple from the modification of limitations
7 on charitable contributions during 2020 allowed under section 2205 of
8 the CARES Act."

9 **SECTION 1.(d)** G.S. 105-153.5(a)(2)b. reads as rewritten:

10 "b. Mortgage Expense and Property Tax. – The amount allowed as a
11 deduction for interest paid or accrued during the taxable year under
12 section 163(h) of the Code with respect to any qualified residence plus
13 the amount allowed as a deduction for property taxes paid or accrued
14 on real estate under section 164 of the Code for that taxable year. For
15 taxable years ~~2014, 2015, 2016, and 2017,~~ 2014 through 2020, the
16 amount allowed as a deduction for interest paid or accrued during the
17 taxable year under section 163(h) of the Code with respect to any
18 qualified residence shall not include the amount for mortgage
19 insurance premiums treated as qualified residence interest. The
20 amount allowed under this sub-subdivision may not exceed twenty
21 thousand dollars (\$20,000). For spouses filing as married filing
22 separately or married filing jointly, the total mortgage interest and real
23 estate taxes claimed by both spouses combined may not exceed twenty
24 thousand dollars (\$20,000). For spouses filing as married filing
25 separately with a joint obligation for mortgage interest and real estate
26 taxes, the deduction for these items is allowable to the spouse who
27 actually paid them. If the amount of the mortgage interest and real
28 estate taxes paid by both spouses exceeds twenty thousand dollars
29 (\$20,000), these deductions must be prorated based on the percentage
30 paid by each spouse. For joint obligations paid from joint accounts, the
31 proration is based on the income reported by each spouse for that
32 taxable year."

33 **SECTION 1.(e)** G.S. 105-153.5(c2) reads as rewritten:

34 "(c2) Decoupling Adjustments. – In calculating North Carolina taxable income, a taxpayer
35 must make the following adjustments to the taxpayer's adjusted gross income:

- 36 (1) For taxable years ~~2014, 2015, 2016, and 2017,~~ 2014 through 2020, the
37 taxpayer must add the amount excluded from the taxpayer's gross income for
38 the discharge of qualified principal residence indebtedness under section 108
39 of the Code. The purpose of this subdivision is to decouple from the income
40 exclusion available under federal tax law. If the taxpayer is insolvent, as
41 defined in section 108(d)(3) of the Code, then the addition required under this
42 subdivision is limited to the amount of discharge of qualified principal
43 residence indebtedness excluded from adjusted gross income under section
44 108(a)(1)(E) of the Code that exceeds the amount of discharge of indebtedness
45 that would have been excluded under section 108(a)(1)(B) of the Code.
- 46 (2) For taxable year ~~2014, 2015, 2016, and 2017,~~ 2014 through 2020, the taxpayer
47 must add the amount of the taxpayer's deduction for qualified tuition and
48 related expenses under section 222 of the Code. The purpose of this
49 subdivision is to decouple from the above-the-line deduction available under
50 federal tax law.

51 ...

- 1 (8) For taxable years 2013, 2014, 2015, 2016, or 2017, the taxpayer must add the
2 amount of any 2018 net operating loss deducted and absorbed on a federal
3 return under section 172 of the Code. The purpose of the adjustments made
4 under this subdivision is to decouple from the net operating loss carryback
5 provisions of section 2303 of the CARES Act. The addition under this
6 subsection is not required to the extent the 2018 net operating loss is carried
7 back under the provisions of section 172(b)(1)(B) of the Code.
- 8 (9) For taxable years 2014, 2015, 2016, 2017, or 2018, the taxpayer must add the
9 amount of any 2019 net operating loss deducted and absorbed on a federal
10 return under section 172 of the Code. The purpose of the adjustments made
11 under this subdivision is to decouple from the net operating loss carryback
12 provisions of section 2303 of the CARES Act. The addition under this
13 subsection is not required to the extent the 2019 net operating loss is carried
14 back under the provisions of section 172(b)(1)(B) of the Code.
- 15 (10) For taxable years 2015, 2016, 2017, 2018, or 2019, the taxpayer must add the
16 amount of any 2020 net operating loss deducted and absorbed on a federal
17 return under section 172 of the Code. The purpose of the adjustments made
18 under this subdivision is to decouple from the net operating loss carryback
19 provisions of section 2303 of the CARES Act. The addition under this
20 subdivision is not required to the extent the 2020 net operating loss is carried
21 back under the provisions of section 172(b)(1)(B) of the Code.
- 22 (11) For taxable years 2018, 2019, and 2020, the taxpayer must add an amount
23 equal to the taxpayer's excess business loss, as defined under the provisions
24 of section 461(l) of the Code as enacted as of January 1, 2019. The addition
25 under this subdivision is not required to the extent the loss is added under
26 subdivision (8), (9), or (10) of this subsection.
- 27 (12) The taxpayer must add the amount by which the taxpayer's net operating loss
28 carryforward deduction exceeds the amount allowed under the provisions of
29 section 172(a)(2)(B) of the Code as enacted as of January 1, 2019. This
30 add-back only applies to net operating losses arising during taxable years
31 2018, 2019, and 2020.
- 32 (13) For taxable years 2021 through 2025, a taxpayer who made an addition under
33 subdivision (8), (9), or (10) of this subsection may deduct twenty percent
34 (20%) per tax year of the sum of the amount added under subdivisions (8),
35 (9), and (10) of this subsection.
- 36 (14) A taxpayer who made an addition under subdivision (11) of this subsection
37 may deduct twenty percent (20%) of the addition in each of the taxable years
38 2021 through 2025.
- 39 (15) A taxpayer who made an addition under subdivision (12) of this subsection
40 may deduct twenty percent (20%) of the add-back in each of the taxable years
41 2021 through 2025.
- 42 (16) For taxable years 2019 and 2020, a taxpayer must add an amount equal to the
43 amount by which the taxpayer's interest expense deduction under section
44 163(j) of the Code exceeds the interest expense deduction that would have
45 been allowed under the Code as enacted as of January 1, 2020. The purpose
46 of this subdivision is to decouple from the modification of limitation on
47 business interest allowed under section 2306 of the CARES Act.
- 48 (17) For taxable year 2020, a taxpayer must add the amount excluded from the
49 taxpayer's gross income for payment by an employer, whether paid to the
50 taxpayer or to a lender, of principal or interest on any qualified education loan,
51 as defined in section 221(d)(1) of the Code, incurred by the taxpayer for

1 education of the taxpayer. The purpose of this subdivision is to decouple from
 2 the exclusion for certain employer payments of student loans under section
 3 2206 of the CARES Act.

4 (18) For taxable year 2020, a taxpayer must add the amount excluded from the
 5 taxpayer's gross income under section 62(a)(22) of the Code. The purpose of
 6 this subdivision is to decouple from the allowance of a partial above-the-line
 7 deduction of qualified charitable contributions under section 2204 of the
 8 CARES Act.

9 (19) A taxpayer must add the amount of any forgiveness of indebtedness on a
 10 covered loan. The term "covered loan" has the same meaning as defined in
 11 section 1106 of the CARES Act. The purpose of this subdivision is to
 12 decouple from the loan forgiveness allowed under section 1106 of the CARES
 13 Act."

15 PART II. EXCISE TAX CHANGES

16 **SECTION 2.1.** G.S. 105-113.4(10) reads as rewritten:

17 "(10) Sale. – A ~~transfer,~~ transfer of possession, transfer of ownership, a trade, an
 18 exchange, or a barter, in any manner or by any means, with or without
 19 consideration."

20 **SECTION 2.2.(a)** G.S. 105-113.4A reads as rewritten:

21 "§ 105-113.4A. Licenses.

22 (a) General. – To obtain or renew a license required by this Article, an applicant must
 23 file an application with the Secretary on a form provided by the Secretary and pay the tax due for
 24 the license. An application must include the applicant's name, address, federal employer
 25 identification number, and any other information required by the Secretary. A license is not
 26 transferable or assignable and must be displayed in a conspicuous place at the each place of
 27 business for which it is issued.

28 ...

29 (h) Lists. – The Secretary must ~~provide~~ make available the list required under subdivision
 30 (3) of subsection (g) of this section upon request of a manufacturer that is a licensee under this
 31 Article. The list must state the name, account number, and business address of each licensee on
 32 the list."

33 **SECTION 2.2.(b)** G.S. 105-259(b)(50) reads as rewritten:

34 "(50) To ~~provide public access to~~ make available a list containing the name, physical
 35 address, and account number of entities licensed under Article 2A of this
 36 Chapter to ~~aid in the administration of the tobacco products tax.~~ all entities
 37 licensed under Article 2A of this Chapter."

38 **SECTION 2.2.(c)** G.S. 105-449.77(b) reads as rewritten:

39 "(b) Lists. – The Secretary must ~~annually give~~ make available to each licensee a list to
 40 ~~each licensee~~ of all the licensees under this Article. The list must state the name, account number,
 41 and business address of each licensee on the list. The Secretary must ~~send a monthly~~ update of
 42 the list to ~~each licensed refiner or licensed supplier and to any other licensee that requests a copy~~
 43 ~~of the list monthly.~~ "

44 **SECTION 2.2.(d)** G.S. 105-449.139(c) reads as rewritten:

45 "(c) Lists. – The Secretary must ~~give~~ make available a list of licensed alternative fuel
 46 providers to each licensed bulk end-user and licensed retailer. The Secretary must also ~~give~~ make
 47 available a list of licensed bulk end-users and licensed retailers to each licensed alternative fuel
 48 provider. A list must state the name, account number, and business address of each licensee on
 49 the list. The Secretary must ~~send an annual~~ update of a list to ~~each licensee, as appropriate.~~ the
 50 lists required under this section annually."

51 **SECTION 2.3.(a)** G.S. 105-113.4B reads as rewritten:

1 **"§ 105-113.4B. Cancellation or revocation of license.**

2 (a) ~~Reasons. Cancellation.~~ – The Secretary may cancel a license issued under this Article
3 upon the written request of the ~~licensee and the immediate licensee.~~ The licensee's request must
4 include a proposed effective date of cancellation. The licensee must return of the license to the
5 ~~Secretary.~~ Secretary on or before the proposed effective date. If the licensee's request does not
6 include a proposed effective date of cancellation, the license is cancelled 15 days after the
7 Department receives the written request. If the license is unable to be returned, the licensee must
8 include a written statement of the reasons, satisfactory to the Secretary, why the license cannot
9 be returned. The Secretary shall notify the licensee when the license is cancelled.

10 (a1) Revocation. – The Secretary may summarily revoke a license issued under this Article
11 when the Secretary finds that the licensee is incurring liability for the tax imposed under this
12 Article after failing to pay a tax when due under this Article. In addition, the Secretary may
13 revoke the license of a licensee that commits one or more of the following acts after holding a
14 hearing on whether the license should be revoked:

15 ...

16 (b) Procedure. – The Secretary must send a person whose license is summarily revoked
17 a notice of the revocation and must give the person an opportunity to have a hearing on the
18 revocation within 10 days after the revocation. The Secretary must give a person whose license
19 may be revoked after a hearing at least 10 days' written notice of the date, time, and place of the
20 hearing. A notice of a summary license revocation and a notice of hearing must be sent by
21 certified mail to the last known address of the licensee. If the person whose license may be
22 revoked fails to attend the noticed hearing, the license revocation is effective 15 days after the
23 noticed hearing.

24"

25 **SECTION 2.3.(b)** G.S. 105-449.76 reads as rewritten:

26 **"§ 105-449.76. Cancellation or revocation of license.**

27 (a) ~~Reasons. Cancellation.~~ – The Secretary may cancel a license issued under this Article
28 upon the written request of the ~~licensee~~ licensee. The licensee's request must include a proposed
29 effective date of cancellation and the immediate must return of the license to the
30 ~~Secretary.~~ Secretary on or before the proposed effective date. If the licensee's request does not
31 include a proposed effective date of cancellation, the license is cancelled 15 days after the
32 Department receives the written request. If the license is unable to be returned, the licensee must
33 include a written statement of the reasons, satisfactory to the Secretary, why the license cannot
34 be returned. The Secretary shall notify the licensee when the license is cancelled.

35 (a1) Revocation. – The Secretary may summarily revoke a license issued under this Article
36 when the Secretary finds that the licensee is incurring liability for the tax imposed under this
37 Article after failing to pay a tax when due under this Article. In addition, the Secretary may
38 revoke the license of a licensee that commits one or more of the acts listed in G.S. 105-449.120
39 after holding a hearing on whether the license should be revoked.

40 (b) Procedure. – The Secretary must send a person whose license is summarily revoked
41 a notice of the revocation and must give the person an opportunity to have a hearing on the
42 revocation within 10 days after the revocation. The Secretary must give a person whose license
43 may be revoked after a hearing at least 10 days' written notice of the date, time, and place of the
44 hearing. A notice of a summary license revocation and a notice of hearing must be sent by
45 certified mail to the last known address of the licensee. If the person whose license may be
46 revoked fails to attend the noticed hearing, the license revocation is effective 15 days after the
47 noticed hearing.

48"

49 **SECTION 2.4.** G.S. 105-113.4E reads as rewritten:

50 **"§ 105-113.4E. Modified risk tobacco products.**

51 ...

1 (c) Substantiation. – Generally, tobacco products are subject to the tax imposed under
2 this Article, unless a ~~taxpayer~~ manufacturer substantiates that a product qualifies as a modified
3 risk tobacco product and is subject to a reduced rate of tax in accordance with subsection (b) of
4 this section. A ~~taxpayer~~ manufacturer may substantiate that a product qualifies as a modified risk
5 tobacco product by providing the Department a copy of the order issued by the United States
6 Food and Drug Administration verifying the product as a modified risk tobacco product. Once
7 the ~~taxpayer~~ manufacturer provides the order to the Department, the Department must reduce the
8 tax due as required under subsection (b) of this section effective on the first day of the next
9 calendar month. If the order indicating a product qualifies as a modified risk tobacco product is
10 renewed, the manufacturer must provide the order renewing the product ~~must be provided~~ to the
11 Department within 14 days of receipt.

12 (d) Forfeiture. – If the product no longer qualifies as a modified risk tobacco product, the
13 rate reduction under subsection (b) of this section is forfeited. A product no longer qualifies when
14 the order qualifying the product as a modified risk tobacco product expires and is not renewed or
15 the order is withdrawn by the United States Food and Drug Administration. The ~~taxpayer~~
16 manufacturer must provide notice of such expiration or withdrawal to the Department within 14
17 days of receipt. Upon determination by the Department that the product no longer qualifies as a
18 modified risk tobacco product, the Department must determine if the taxpayer paid a reduced
19 rate after the order expired or was withdrawn. If the taxpayer did avoid taxes, the taxpayer is
20 liable for all past taxes avoided as a result of the product no longer qualifying plus interest at the
21 rate established under G.S. 105-241.21, computed from the date the taxes would have been due
22 if the rate reduction had not been allowed. The past taxes and interest are due 30 days after the
23 date the rate reduction is forfeited; a taxpayer that fails to pay the past taxes and interest by the
24 due date is subject to the penalties provided in G.S. 105-236."

25 **SECTION 2.5.(a)** Part 1 of Article 2A of Chapter 105 of the General Statutes is
26 amended by adding a new section to read:

27 **"§ 105-113.4G. Records to be kept.**

28 Every person required to be licensed under this Article and every person required to make
29 reports under this Article shall keep complete and accurate records of all purchases, inventories,
30 sales, shipments, and deliveries of tobacco products, and other information as required under this
31 Article. The records shall be in the form prescribed by the Secretary and shall be open at all times
32 for inspection by the Secretary or an authorized representative of the Secretary.

33 These records shall be safely preserved for a period of three years in a manner to ensure their
34 security and accessibility for inspection by the Department."

35 **SECTION 2.5.(b)** G.S. 105-113.26 and G.S. 105-113.40 are repealed.

36 **SECTION 2.6.(a)** G.S. 105-113.13(b) reads as rewritten:

37 "(b) The Secretary may require a licensed distributor to furnish a bond in an amount that
38 adequately protects the State from ~~loss if the licensed distributor fails~~ a licensed distributor's
39 failure to pay taxes due under this Part. A bond must be conditioned on compliance with this
40 Part, payable to the State, and in the form required by the Secretary. The amount of the bond is
41 two times the licensed distributor's average expected monthly tax liability under this Article, as
42 determined by the Secretary, provided the amount of the bond may not be less than two thousand
43 dollars (\$2,000) and may not be more than two million dollars (\$2,000,000). The Secretary
44 should periodically review the sufficiency of bonds required of the licensed distributor and
45 increase the required bond amount if the amount no longer covers the anticipated tax liability of
46 the licensed distributor and decrease the amount if the Secretary finds that a lower bond amount
47 will protect the State adequately from loss.

48 For purposes of this section, a licensed distributor may substitute an irrevocable letter of
49 credit for the secured bond required by this section. The letter of credit must be issued by a
50 commercial bank acceptable to the Secretary and available to the State as a beneficiary. The letter

1 of credit must be in a form acceptable to the Secretary, conditioned upon compliance with this
2 Article, and in the amounts stipulated in this section."

3 **SECTION 2.6.(b)** G.S. 105-113.38 reads as rewritten:

4 "**§ 105-113.38. Bond or irrevocable letter of credit.**

5 The Secretary may require a wholesale dealer or a retail dealer to furnish a bond in an amount
6 that adequately protects the State from ~~loss if the dealer fails~~ a wholesale dealer's or a retail
7 dealer's failure to pay taxes due under this Part. A bond must be conditioned on compliance with
8 this Part, payable to the State, and in the form required by the Secretary. The amount of the bond
9 is two times the wholesale or retail dealer's average expected monthly tax liability under this
10 Article, as determined by the Secretary, provided the amount of the bond may not be less than
11 two thousand dollars (\$2,000) and may not be more than two million dollars (\$2,000,000). The
12 Secretary should periodically review the sufficiency of bonds required of dealers, and increase
13 the amount of a required bond when the amount of the bond furnished no longer covers the
14 anticipated tax liability of the wholesale dealer or retail dealer and decrease the amount when the
15 Secretary determines that a smaller bond amount will adequately protect the State from loss.

16 For purposes of this section, a wholesale dealer or a retail dealer may substitute an irrevocable
17 letter of credit for the secured bond required by this section. The letter of credit must be issued
18 by a commercial bank acceptable to the Secretary and available to the State as a beneficiary. The
19 letter of credit must be in a form acceptable to the Secretary, conditioned upon compliance with
20 this Article, and in the amounts stipulated in this section."

21 **SECTION 2.7.** G.S. 105-113.27(b) reads as rewritten:

22 "(b) ~~No~~ Except as otherwise provided in this Article, no person shall sell or offer for sale
23 non-tax-paid cigarettes."

24 **SECTION 2.8.(a)** G.S. 105-187.76(2) reads as rewritten:

25 "(2) Commission. – ~~The Mining and Energy~~ Oil and Gas Commission."

26 **SECTION 2.8.(b)** G.S. 105-187.77(d) reads as rewritten:

27 "(d) Marginal Gas Rate. – The producer of a proposed or existing gas well may apply to
28 ~~the Mining and Energy~~ Commission for a determination that the well qualifies as a marginal gas
29 well. The producer may elect to have the gas taxed at the marginal gas rate or the gas rate. For
30 severance of gas from a marginal gas well the percentage rate is six-tenths of one percent (0.6%)."

31 **SECTION 2.8.(c)** 105-187.80(h) reads as rewritten:

32 "(h) Commission Determination. – To claim the marginal gas rate, the producer or
33 taxpayer of a proposed or existing gas well shall provide to the Secretary proof that the ~~Mining~~
34 ~~and Energy~~ Commission has determined the well qualifies as a marginal gas well."

35 **SECTION 2.9.** G.S. 105-449.37(a)(1) reads as rewritten:

36 "(1) International Fuel Tax Agreement. – The Articles of Agreement adopted by
37 the International Fuel Tax Association, Inc., as amended as of ~~January 1,~~
38 ~~2017.~~ December 1, 2018."

39 **SECTION 2.10.(a)** G.S. 105-449.47(a1) reads as rewritten:

40 "(a1) License and Decal. – When the Secretary licenses a motor carrier, the Secretary must
41 issue a license for the motor carrier and a set of decals for each qualified motor vehicle. A motor
42 carrier must keep records of decals issued to it and must be able to account for all decals it
43 receives from the Secretary. Licenses and decals issued by the Secretary are for a calendar year.
44 All decals issued by the Secretary remain the property of the State. The Secretary may revoke a
45 license or a decal when a motor carrier fails to comply with this Article or Article 36C or 36D of
46 this Subchapter.

47 A motor carrier must carry a copy of its license in each motor vehicle operated by the motor
48 carrier when the vehicle is in this State. ~~A~~ Unless operating under a temporary permit under
49 G.S. 105-449.49, a motor vehicle must clearly display one decal on each side of the vehicle at all
50 times. A decal must be affixed to the qualified motor vehicle for which it was issued in the place
51 and manner designated by the authority that issued it."

1 **SECTION 2.10.(b)** G.S. 105-449.49 reads as rewritten:

2 "**§ 105-449.49. Temporary permits.**

3 (a) ~~Issuance-Permitting Service.~~ – Upon application to the Secretary and payment of a
4 fee of fifty dollars (\$50.00), a permitting service may obtain a temporary permit authorizing a
5 motor carrier to operate a vehicle in the State for three days without licensing the vehicle in
6 accordance with G.S. 105-449.47. The permitting service may sell the temporary permit to a
7 motor carrier. A motor carrier to whom a temporary permit has been issued may elect not to
8 report its operation of the vehicle during the three-day period. Fees collected under this
9 subsection are credited to the Highway Fund.

10 ...

11 (c) Licensed Motor Carrier. – A licensed motor carrier in North Carolina, who is subject
12 to the International Fuel Tax Agreement, may apply for a temporary permit authorizing the motor
13 carrier to operate a qualified motor vehicle in the State for 30 days without a decal. The licensed
14 motor carrier must be in compliance with this Article, and the application must be on a form
15 prescribed by the Secretary and contain information required by the Secretary.

16 (d) Permit. – A motor carrier operating under a temporary permit issued pursuant to this
17 section must keep a copy of the permit in the motor vehicle."

18 **SECTION 2.11.** G.S. 105-449.69A reads as rewritten:

19 "**§ 105-449.69A. Temporary license during disaster response period.**

20 (a) Temporary License. – The Secretary may grant a temporary license to an applicant to
21 import, export, distribute, or transport motor fuel in this State in response to a state of emergency
22 or a disaster declaration. The term-terms "state of emergency" and "disaster declaration" has-have
23 the same meaning as defined in G.S. 166A-19.3. The temporary license expires upon the
24 expiration of the disaster declaration. A temporary license is effective on the date the applicant
25 engages in business in this State and expires 30 days after that date. Prior to the expiration of the
26 temporary license, the licensee may request, on a form prescribed by the Secretary, that the
27 license be extended for an additional 30 days, if the state of emergency or disaster declaration
28 remains in effect. A temporary license issued under this section may not be renewed or a new
29 temporary license granted if the licensee failed to file the required returns or make payments of
30 the required taxes. comply with this Article.

31 (b) Requirements. – To obtain a temporary license, a person must file an application with
32 the Secretary on a form prescribed by the Secretary within seven calendar days ~~from the date of~~
33 ~~the disaster declaration. An~~ of engaging in business in this State. The application must be filed
34 when a state of emergency or a disaster declaration is in effect and must include all of the
35 following information:

36 "

37 **SECTION 2.12.** G.S. 105-449.134 reads as rewritten:

38 "**§ 105-449.134. Denial, revocation, or cancellation of license.**

39 The Secretary may deny an application for a license or cancel or revoke a license under this
40 Article for the same reasons that the Secretary may deny an application for a license or cancel or
41 revoke a license under Article 36C of this Chapter. The procedure in Article 36C for cancelling
42 or revoking a license applies to the cancellation or revocation of a license under this Article."

43 **SECTION 2.13.** G.S. 119-19(b) reads as rewritten:

44 (b) Procedure. – The Secretary must send a person whose license is summarily revoked
45 a notice of the revocation and must give the person an opportunity to have a hearing on the
46 revocation within 10 days after the revocation. The Secretary must give a person whose license
47 may be revoked after a hearing at least 10 days' written notice of the date, time, and place of the
48 hearing. A notice of a summary license revocation and a notice of hearing must be sent by
49 registered-certified mail to the last known address of the licensee."

50
51 **PART III. SALES AND USE TAX CHANGES**

1 **SECTION 3.1.(a)** G.S. 105-164.14 reads as rewritten:

2 "**§ 105-164.14. Certain refunds authorized.**

3 ...

4 (b) Nonprofit Entities and Hospital Drugs. – A nonprofit entity is allowed a semiannual
5 refund of sales and use taxes paid by it under this Article on direct purchases of ~~tangible personal~~
6 ~~property and services items~~ for use in carrying on the work of the nonprofit entity. Sales and use
7 tax liability indirectly incurred by a nonprofit entity through reimbursement to an authorized
8 person of the entity for the purchase of tangible personal property and services for use in carrying
9 on the work of the nonprofit entity is considered a direct purchase by the entity. Sales and use
10 tax liability indirectly incurred by a nonprofit entity on building materials, supplies, fixtures, and
11 equipment that become a part of or annexed to any building or structure that is owned or leased
12 by the nonprofit entity and is being erected, altered, or repaired for use by the nonprofit entity
13 for carrying on its nonprofit activities is considered a sales or use tax liability incurred on direct
14 purchases by the nonprofit entity. The refund allowed under this subsection does not apply to
15 purchases of electricity, telecommunications service, ancillary service, piped natural gas, video
16 programming, or a prepaid meal plan. A request for a refund must be in writing and must include
17 any information and documentation required by the Secretary. A request for a refund for the first
18 six months of a calendar year is due the following October 15; a request for a refund for the
19 second six months of a calendar year is due the following April 15. The aggregate annual refund
20 amount allowed an entity under this subsection for the State's fiscal year may not exceed
21 thirty-one million seven hundred thousand dollars (\$31,700,000).

22 The refunds allowed under this subsection do not apply to an entity that is owned and
23 controlled by the United States or to an entity that is owned or controlled by the State and is not
24 listed in this subsection. A hospital that is not listed in this subsection is allowed a semiannual
25 refund of sales and use taxes paid by it on over-the-counter drugs purchased for use in carrying
26 out its work. The following nonprofit entities are allowed a refund under this subsection:

27 ...

28 (c) Certain Governmental Entities. – A governmental entity listed in this subsection is
29 allowed an annual refund of sales and use taxes paid by it under this Article on direct purchases
30 of ~~tangible personal property and services items~~. Sales and use tax liability indirectly incurred
31 by a governmental entity on building materials, supplies, fixtures, and equipment that become a
32 part of or annexed to any building or structure that is owned or leased by the governmental entity
33 and is being erected, altered, or repaired for use by the governmental entity is considered a sales
34 or use tax liability incurred on direct purchases by the governmental entity for the purpose of this
35 subsection. The refund allowed under this subsection does not apply to purchases of electricity,
36 telecommunications service, ancillary service, piped natural gas, video programming, or a
37 prepaid meal plan. A request for a refund must be in writing and must include any information
38 and documentation required by the Secretary. A request for a refund is due within six months
39 after the end of the governmental entity's fiscal year.

40 This subsection applies only to the following governmental entities:

41 "

42 **SECTION 3.1.(b)** This section becomes effective July 1, 2020, and applies to
43 purchases made on or after that date.

44 **SECTION 3.2.** G.S. 105-164.16(d) reads as rewritten:

45 "(d) Use Tax on ~~Out-of-State Purchases~~. – Use tax payable by an individual who purchases
46 an item, other than a boat or aircraft, ~~outside the State~~ for a nonbusiness purpose is due on an
47 annual basis. For an individual who is not required to file an individual income tax return under
48 Part 2 of Article 4 of this Chapter, the annual reporting period ends on the last day of the calendar
49 year and a use tax return is due by the following April 15. For an individual who is required to
50 file an individual income tax return, the annual reporting period ends on the last day of the

1 individual's income tax year, and the use tax must be paid on the income tax return as provided
2 in G.S. 105-269.14."

3 **SECTION 3.3.(a)** G.S. 105-164.4J reads as rewritten:

4 "**§ 105-164.4J. Marketplace-facilitated sales.**

5 (a) Scope. – This section applies to a marketplace facilitator ~~that makes sales, including~~
6 ~~all marketplace-facilitated sales for all marketplace sellers, sourced to this State for the previous~~
7 ~~or the current calendar year that meet either of the following:~~ engaged in business in this State.

8 (1) ~~Gross sales in excess of one hundred thousand dollars (\$100,000).~~

9 (2) ~~Two hundred or more separate transactions.~~

10 (b) Payment of Tax. – A marketplace facilitator ~~that meets the threshold in subsection (a)~~
11 ~~of subject to this section~~ is considered the retailer of each marketplace-facilitated sale it makes
12 and is liable for collecting and remitting the sales and use tax on all such sales. A marketplace
13 facilitator is required to comply with the same requirements and procedures as all other retailers
14 registered or who are required to be registered to collect and remit sales and use tax in this State.
15 A marketplace facilitator is required to collect and remit sales tax as required by this section
16 regardless of whether a marketplace seller for whom it makes a marketplace-facilitated sale meets
17 any of the following conditions:

18"

19 **SECTION 3.3.(b)** This section becomes effective July 1, 2020, and applies to sales
20 occurring on or after that date.

21 **SECTION 3.4.** G.S. 105-164.4(a)(1) reads as rewritten:

22 "(1) The general rate of tax applies to the following items sold at retail:

23 ...

24 b. The sales price of certain digital property. The tax applies regardless
25 of whether the purchaser of the property has a right to use it
26 permanently or to use it without making continued payments. The sale
27 at retail or the use, storage, or consumption in this State of a digital
28 code is treated the same as the sale at retail or the use, storage, or
29 consumption in this State of certain digital property for which the
30 digital code relates."

31 **SECTION 3.5.(a)** G.S. 153A-154.1 reads as rewritten:

32 "**§ 153A-154.1. Uniform ~~penalties~~ provisions for local meals taxes.**

33 (a) Scope. – This section applies to every county authorized by the General Assembly to
34 levy a meals tax. To the extent this section conflicts with any provision of a local act, this section
35 supersedes that provision.

36 (b) Collection. – A retailer who is required to remit to the Department of Revenue the
37 State and local sales and use tax is required to remit the local meals tax on prepared food and
38 beverages to the taxing county on and after the effective date of the levy of the local meals tax.

39 (a)(c) Penalties. – ~~Notwithstanding any other provision of law, the~~ The civil and criminal
40 penalties that apply to State sales and use taxes under Chapter 105 of the General Statutes apply
41 to local meals taxes. The governing board of a taxing county has the same authority to waive the
42 penalties for a local meals tax that the Secretary of Revenue has to waive the penalties for State
43 sales and use taxes.

44 (d) Definitions. – The following definitions apply in this section:

45 (1) Meals tax. – A tax on prepared food and beverages.

46 (2) Prepared food and beverages. – The term means both of the following:

47 a. Prepared food, as defined in G.S. 105-164.3.

48 b. An alcoholic beverage, as defined in G.S. 18B-101, that meets at least
49 one of the conditions of prepared food under G.S. 105-164.3.

1 (b) ~~Scope.~~— This section applies to every county authorized by the General Assembly to
2 levy a meals tax. As used in this section, the term "meals tax" means a tax on prepared food and
3 ~~drink."~~

4 **SECTION 3.5.(b)** G.S. 160A-214.1 reads as rewritten:

5 "**§ 160A-214.1. Uniform ~~penalties~~ provisions for local meals taxes.**

6 (a) Scope. – This section applies to every city authorized by the General Assembly to
7 levy a meals tax. To the extent this section conflicts with any provision of a local act, this section
8 supersedes that provision.

9 (b) Collection. – A retailer who is required to remit to the Department of Revenue the
10 State and local sales and use tax is required to remit the local meals tax on prepared food and
11 beverages to the taxing city on and after the effective date of the levy of the local meals tax.

12 (a)(c) Penalties. – ~~Notwithstanding any other provision of law, the~~ The civil and criminal
13 penalties that apply to State sales and use taxes under Chapter 105 of the General Statutes apply
14 to local meals taxes. The governing board of a taxing city has the same authority to waive the
15 penalties for a meals tax that the Secretary of Revenue has to waive the penalties for State sales
16 and use taxes.

17 (b) ~~Scope.~~— This section applies to every city authorized by the General Assembly to
18 levy a meals tax.

19 (e)(d) Definitions. – The following definitions apply in this section:

20 (1) City. – A municipality.

21 (2) Meals tax. – A tax on prepared food and ~~drink~~ beverages.

22 (3) Prepared food and beverages. – The term means both of the following:

23 a. Prepared food, as defined in G.S. 105-164.3.

24 b. An alcoholic beverage, as defined in G.S. 18B-101, that meets at least
25 one of the conditions of prepared food under G.S. 105-164.3."

26 **SECTION 3.5.(c)** This section becomes effective July 1, 2020, and applies to sales
27 occurring on or after that date.

29 PART IV. PERSONAL INCOME TAX CHANGES

30 **SECTION 4.1.** G.S. 105-131.8(a) reads as rewritten:

31 "(a) For purposes of ~~G.S. 105-151~~ G.S. 105-153.9 and G.S. 105-160.4, each resident
32 shareholder is considered to have paid a tax imposed on the shareholder in an amount equal to
33 the shareholder's pro rata share of any net income tax paid by the S Corporation to a state that
34 does not measure the income of S Corporation shareholders by the income of the S Corporation.
35 For purposes of the preceding sentence, the term "net income tax" means any tax imposed on or
36 measured by a corporation's net income."

37 **SECTION 4.2.** G.S. 105-153.5(b)(10) is repealed.

38 **SECTION 4.3.** G.S. 105-154(d) reads as rewritten:

39 "(d) Payment of Tax on Behalf of Nonresident Owner or Partner. – If a business conducted
40 in this State is owned by a nonresident individual or by a partnership having one or more
41 nonresident members, the manager of the business shall report information concerning the
42 earnings of the business in this State, the distributive share of the income of each nonresident
43 owner or partner, and any other information required by the Secretary. The distributive share of
44 the income of each nonresident partner includes any guaranteed payments made to the partner.
45 The manager of the business shall pay with the return the tax on each nonresident owner or
46 partner's share of the income computed at the rate levied on individuals under G.S. 105-153.7.
47 The business may deduct the payment for each nonresident owner or partner from the owner or
48 partner's distributive share of the income of the business in this State. If the nonresident partner
49 is not an individual and the partner has executed an affirmation that the partner will pay the tax
50 with its corporate, partnership, trust, or estate income tax return, the manager of the business is
51 not required to pay the tax on the partner's share. In this case, the manager shall include a copy

1 of the affirmation with the report required by this subsection. The affirmation must be annually
2 filed by the nonresident partner and submitted by the manager by the due date of the report
3 required in this subsection. Otherwise, the manager of the business is required to pay the tax on
4 the nonresident partner's share. Notwithstanding the provisions of G.S. 105-241.7(b), the
5 manager of the business may not request a refund of an overpayment made on behalf of a
6 nonresident owner or partner if the manager of the business has previously filed the return and
7 paid the tax due. The nonresident owner or partner may, on its own income tax return, request a
8 refund of an overpayment made on its behalf by the manager of the business within the provisions
9 of G.S. 105-241.6."

10 **SECTION 4.4.(a)** G.S. 105-228.90(b) reads as rewritten:

11 "(b) Definitions. – The following definitions apply in this Article:

12 ...

13 (9) Taxpayer Identification Number (TIN). – An identification number issued by
14 the Social Security Administration or the Internal Revenue Service, excluding
15 a Taxpayer Identification Number for Pending U.S. Adoptions (ATIN) and
16 Preparer Taxpayer Identification Number (PTIN).

17 (10) Truncated Taxpayer Identification Number (TTIN). – This term has the same
18 meaning as defined in Treasury Regulation Section 301.6109-4."

19 **SECTION 4.4.(b)** Article 9 of Chapter 105 of the General Statutes is amended by
20 adding a new section to read:

21 "**§ 105-252.1. Use of a TTIN.**

22 A TTIN may not be used on any return, statement, or other document required to be filed
23 with or furnished to the Department unless specifically authorized in this Chapter."

24 **SECTION 4.4.(c)** G.S. 105-163.1(12a) reads as rewritten:

25 "(12a) ~~Taxpayer Identification Number (TIN). – An identification number issued by~~
26 ~~the Social Security Administration or the Internal Revenue Service excluding~~
27 ~~Taxpayer Identification Number for Pending U.S. Adoptions (ATIN) and~~
28 ~~Preparer Taxpayer Identification Number (PTIN).~~ Defined in
29 G.S. 105-228.90(b)(9)."

30 **SECTION 4.5.** G.S. 105-241.13 reads as rewritten:

31 "**§ 105-241.13. Action on request for review.**

32 ...

33 (b) Conference. – When the Department and the taxpayer agree that an action taken under
34 subsection (a) or (a1) of this section resolves the taxpayer's objection to the Department's
35 proposed denial of a refund or a proposed assessment, the Department does not need to take
36 further action on the request for review. When an action taken under subsection (a) or (a1) of this
37 section does not resolve the taxpayer's objection to the Department's proposed denial of a refund
38 or a proposed assessment, the Department must schedule a conference with the taxpayer. The
39 Department must set the time and place for the conference, which may include a conference by
40 telephone, and must send the taxpayer notice of the designated time and place. The Department
41 must send the notice at least 30 days before the date of the conference or, if the Department and
42 the taxpayer agree, within a shorter period. The Department and the taxpayer may reschedule the
43 conference by mutual agreement. If a taxpayer fails to attend a scheduled conference on the
44 proposed denial of a refund or a proposed assessment, the Department and the taxpayer are
45 considered to be unable to resolve the taxpayer's objection.

46 The conference is an informal proceeding at which the taxpayer and the Department must
47 attempt to resolve the case. Testimony under oath is not taken, and the rules of evidence do not
48 apply. A taxpayer may designate a representative to act on the taxpayer's behalf. The taxpayer
49 may present any objections to the proposed denial of refund or proposed assessment at the
50 conference and is not limited by the explanation set forth in the taxpayer's request for review.

1 (c) After Conference. – One of the following must occur after the Department conducts
2 a conference on a proposed denial of a refund or a proposed assessment:

3 ...

4 (3) The Department and the taxpayer are unable to resolve the taxpayer's
5 objection to the proposed denial of the refund or proposed assessment. ~~If a
6 taxpayer fails to attend a scheduled conference on the proposed denial of a
7 refund or a proposed assessment without prior notice to the Department, the
8 Department and the taxpayer are considered to be unable to resolve the
9 taxpayer's objection."~~

10 11 PART V. CORPORATE TAX CHANGES

12 SECTION 5.1.(a) G.S. 105-122(b)(2) reads as rewritten:

13 "(2) An addition for the amount of indebtedness the corporation owes to a parent,
14 a subsidiary, an affiliate, or a noncorporate entity in which the corporation or
15 an affiliated group of corporations owns directly or indirectly more than fifty
16 percent (50%) of the capital interests of the noncorporate entity. The amount
17 added back to the corporation's net worth may be further adjusted if part of
18 the capital of the creditor is capital borrowed from a source other than a parent,
19 a subsidiary, or an affiliate. The debtor corporation may deduct a
20 proportionate part of the indebtedness based on the ratio of the borrowed
21 capital of the creditor to the total assets of the creditor. For purposes of this
22 subdivision, borrowed capital does not include indebtedness incurred by a
23 bank arising out of the receipt of a deposit and evidenced by a certificate of
24 deposit, a passbook, a cashier's check, a certified check, or other similar
25 document that creates net interest expense, as defined in
26 G.S. 105-130.7B(b)(3), but does not create qualified interest expense, as
27 defined in G.S. 105-130.7B(b)(4)."

28 SECTION 5.1.(b) This section is effective for taxable years beginning on or after
29 January 1, 2021, and applicable to the calculation of franchise tax reported on the 2020 and later
30 corporate income tax returns.

31 SECTION 5.2.(a) G.S. 105-130.4(1) reads as rewritten:

32 "(1) Wholesale Content Distributors. – A wholesale content distributor's market for
33 receipts is in this State as provided in G.S. 105-130.4A. In no event may the amount of ~~income~~
34 apportioned receipts sourced to this State be less than the amount determined under this
35 subsection. The amount determined under this subsection is the total domestic gross receipts of
36 the wholesale content distributor from advertising and licensing activities multiplied by two
37 percent (2%). For purposes of this section, the term "wholesale content distributor" has the same
38 meaning as defined in G.S. 105-130.4A."

39 SECTION 5.2.(b) G.S. 105-122(c1)(1) reads as rewritten:

40 "(1) Statutory. – A corporation that is subject to income tax under Article 4 of this
41 Chapter must apportion its net worth by using the fraction it applies in
42 apportioning its income under that Article. A corporation that is not subject to
43 income tax under Article 4 of this Chapter must apportion its net worth by
44 using the fraction it would be required to apply in apportioning its income if
45 it were subject to that Article. ~~The apportionment fraction for a wholesale~~
46 ~~content distributor, as that term is defined in G.S. 105-130.4A, shall not be~~
47 ~~less than two percent (2%).~~ The apportionment method set out in this
48 subdivision is considered the statutory method of apportionment and is
49 presumed to be the best method of determining the amount of a corporation's
50 net worth attributable to the corporation's business in this State."

1 **SECTION 5.2.(c)** This section is effective for taxable years beginning on or after
2 January 1, 2020.

3 **SECTION 5.3.** Subdivisions (a)(21) and (b)(25) of G.S. 105-130.5 are repealed.

4 **SECTION 5.4.** G.S. 105-130.5A(k) reads as rewritten:

5 "(k) Proposed Assessment or Refund. – If the Secretary redetermines the State net income
6 of the corporation in accordance with this section by adjusting the State net income of the
7 corporation or requiring a combined return, the Secretary shall issue a proposed assessment or
8 refund upon making such redetermination. ~~The~~ When a refund is determined in whole or part by
9 a proposed assessment to an affiliated group member under this section, the refund shall not be
10 issued until the proposed assessment to the affiliated group member has become collectable under
11 G.S. 105-241.22. The amount of refund shall reflect any changes made by the Department under
12 this section. Otherwise, the procedures for a proposed assessment or a refund in Article 9 of
13 Chapter 105 shall be applicable to proposed assessments and refunds made under this section."

14 **SECTION 5.5.** G.S. 105-130.11(b)(4) is repealed.

15 16 **PART VI. TAX ENFORCEMENT AND ADMINISTRATION CHANGES**

17 **SECTION 6.1.** G.S. 105-236.1(a)(3) reads as rewritten:

18 "(3) The following criminal offenses when they involve a tax imposed under
19 Chapter 105 of the General Statutes:

20 ...

21 h. G.S. 105-259 (Secrecy of tax information)."

22 **SECTION 6.2.(a)** G.S. 105-241.8(b)(2) reads as rewritten:

23 "(2) Failure to file or filing false return. – There is no statute of limitations and the
24 Secretary may propose an assessment of tax due from a taxpayer at any time
25 if any of the following applies:

26 ...

27 d. The taxpayer, as a trustee, collected taxes on behalf of the State, but
28 did not remit all the taxes held in trust when due."

29 **SECTION 6.2.(b)** This section is effective when it becomes law and applies to
30 assessments not barred by the statute of limitations prior to that date.

31 **SECTION 6.3.** G.S. 105-242.2 is amended by adding a new subsection to read:

32 "(f) Scope. – This section shall not apply to, or limit, the criminal liability of any person."

33 **SECTION 6.4.(a)** G.S. 105-243.1 reads as rewritten:

34 **"§ 105-243.1. Collection of tax debts.**

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

36 (1) Overdue tax debt. – Any part of a tax debt that remains unpaid ~~90-60~~ days or
37 more after it becomes collectible under G.S. 105-241.22. The term does not
38 include a tax debt for which the taxpayer entered into an installment
39 agreement for the tax debt under G.S. 105-237 within ~~90-60~~ days after the tax
40 debt became collectible, if the taxpayer has not failed to make any payments
41 due under the installment agreement.

42 ...

43 (d) Fee. – A collection assistance fee is imposed on an overdue tax ~~debt that remains~~
44 ~~unpaid 60 days or more after the tax debt is deemed collectible under G.S. 105-241.22.~~ debt. In
45 order to impose a collection assistance fee on a tax debt, the Department must notify the taxpayer
46 that the fee will be imposed if the tax debt is not paid in full within 60 days after the date the
47 notice of collection was mailed to the taxpayer. in accordance with this section at least 60 days
48 prior to its imposition. The fee notice may be included on the notice of collection. The fee is
49 collectible as part of the debt. The Secretary may waive the fee pursuant to G.S. 105-237 to the
50 same extent as if it were a penalty.

1 The amount of the collection assistance fee is twenty percent (20%) of the amount of the
2 overdue tax debt. If a taxpayer pays only part of an overdue tax debt, the payment is credited
3 proportionally to fee revenue and tax revenue.

4"

5 **SECTION 6.4.(b)** Section 5.1(b) of S.L. 2019-169 reads as rewritten:

6 "**SECTION 5.1.(b)** This section becomes effective ~~January 1, 2020, August 1, 2020,~~ and
7 applies to tax debts that become collectible on or after that date."

8 **SECTION 6.4.(c)** Subsection (a) of this section becomes effective August 1, 2020,
9 and applies to tax debts that become collectible on or after that date. The remainder of this section
10 is effective when it becomes law.

11 **SECTION 6.5.** G.S. 93B-1(3) reads as rewritten:

12 "(3) State agency licensing board. – Any State agency staffed by full-time State
13 employees, which as part of their regular functions issue licenses. This section
14 does not apply to the North Carolina Criminal Justice Education and Training
15 Standards ~~Commission and Commission,~~ the North Carolina Sheriffs'
16 Education and Training Standards ~~Commission-Commission, and the North~~
17 Carolina Department of Revenue. The following is a nonexclusive list of State
18 agency licensing boards and the profession or occupation for which the board,
19 agency, or officer may issue licenses:

20"

21 **PART VII. EXTEND CERTAIN SUNSETS**

22 **SECTION 7.1.** G.S. 105-269.8(c) reads as rewritten:

23 "(c) Sunset. – This section expires for taxable years beginning on or after January 1,
24 ~~2021-2026.~~"

25 **SECTION 7.2.** G.S. 160A-239.1(b) reads as rewritten:

26 "(b) Sunset. – This Article expires July 1, ~~2020-2025,~~ for projects that have not been
27 approved under a final assessment resolution. The expiration does not affect the validity of
28 assessments imposed or to be imposed or bonds issued or authorized or to be issued or authorized
29 under the provisions of this Article if a final assessment resolution has been adopted prior to the
30 effective date of the expiration."
31

32 **PART VIII. EFFECTIVE DATE**

33 **SECTION 8.** Except as otherwise provided, this act is effective when it becomes
34 law.
35