

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1302
Senate Finance Committee Substitute Adopted 6/13/00
Third Edition Engrossed 6/14/00

Short Title: Charter School Fuel Exemption.

(Public)

Sponsors:

Referred to:

April 20, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO EXEMPT FROM TAX MOTOR FUEL SOLD TO CHARTER SCHOOLS.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 105-228.90(b) reads as rewritten:

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

6 (1) Charter school. – A nonprofit corporation that has a charter under G.S.
7 115C-238.29D to operate a charter school.

8 ~~(1a)~~(1a) City. – A city as defined by G.S. 160A-1(2). The term also includes an
9 urban service district defined by the governing board of a consolidated
10 city-county, as defined by G.S. 160B-2(1).

11 ~~(1a)~~(1b) **(See Editor's note)** Code. – The Internal Revenue Code as enacted
12 as of June 1, 1999, including any provisions enacted as of that date
13 which become effective either before or after that date.

14 ~~(1b)~~(1c) County. – Any one of the counties listed in G.S. 153A-10. The term
15 also includes a consolidated city-county as defined by G.S. 160B-2(1).

16 (2) Reserved.

17 (3) Electronic Funds Transfer. – A transfer of funds initiated by using an
18 electronic terminal, a telephone, a computer, or magnetic tape to instruct

1 or authorize a financial institution or its agent to credit or debit an
2 account.

3 (4) Reserved.

4 (5) Person. – An individual, a fiduciary, a firm, an association, a
5 partnership, a limited liability company, a corporation, a unit of
6 government, or another group acting as a unit. The term includes an
7 officer or employee of a corporation, a member, a manager, or an
8 employee of a limited liability company, and a member or employee of
9 a partnership who, as officer, employee, member, or manager, is under a
10 duty to perform an act in meeting the requirements of Subchapter I, V,
11 or VIII of this Chapter or of Article 3 of Chapter 119 of the General
12 Statutes.

13 (6) Secretary. – The Secretary of Revenue.

14 (7) Tax. – A tax levied under Subchapter I, V, or VIII of this Chapter or an
15 inspection tax levied under Article 3 of Chapter 119 of the General
16 Statutes. Unless the context clearly requires otherwise, the terms
17 "tax" and "additional tax" include penalties and interest as well as the
18 principal amount.

19 (8) Taxpayer. – A person subject to the tax or reporting requirements of
20 Subchapter I, V, or VIII of this Chapter or of Article 3 of Chapter 119 of
21 the General Statutes."

22 Section 2. G.S. 105-449.88 reads as rewritten:

23 **"§ 105-449.88. Exemptions from the excise tax.**

24 The excise tax on motor fuel does not apply to the following:

25 (1) Motor fuel removed, by transport truck or another means of transfer
26 outside the terminal transfer system, from a terminal for export, if the
27 supplier of the motor fuel collects tax on it at the rate of the motor fuel's
28 destination state.

29 (2) Motor fuel sold to the federal government for its use.

30 (3) Motor fuel sold to the State for its use.

31 (4) Motor fuel sold to a local board of education for use in the public school
32 system.

33 (5) Diesel that is kerosene and is sold to an airport.

34 (6) Motor fuel sold to a charter school for use for charter school purposes."

35 Section 3. G.S. 115C-238.29J is amended by adding a new subsection to read:

36 "(d) The State Board of Education shall direct the Department of Public Instruction
37 to notify the Department of Revenue when the State Board of Education terminates, fails
38 to renew, or grants a charter for a charter school."

39 Section 4. This act becomes effective October 1, 2000.