

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH50135-LY-99* (2/9)

Short Title: Economic Development - Public Records. (Public)

Sponsors: Representatives Weiss and McComas (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE PUBLIC RECORDS LAWS WITH RESPECT TO
ECONOMIC DEVELOPMENT AND TO REQUIRE THE DEPARTMENT OF
REVENUE TO PUBLISH ANNUAL REPORTS REGARDING USE OF
ECONOMIC DEVELOPMENT TAX INCENTIVES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 132-6(d) reads as rewritten:

"(d) Notwithstanding the provisions of subsections (a) and (b) of this section, public records relating to the proposed expansion or location of specific business or industrial projects ~~in the State~~ may be withheld so long as their inspection, examination or copying would frustrate the purpose for which such public records were created; provided, however, that nothing herein shall be construed to permit the withholding of public records relating to general economic development policies or activities. Once the proposed expansion or location of a specific business or industrial project has been announced by the State, a local government, or the specific business, the provisions of this subsection allowing public records to be withheld no longer apply."

SECTION 2. G.S. 105-129.19 reads as rewritten:

"§ 105-129.19. Reports.

The Department of Revenue must ~~report to the Revenue Laws Study Committee and to the Fiscal Research Division of the General Assembly~~ publish by May 1 of each year the following information itemized by taxpayer for the 12-month period ending the preceding April 1:

- (1) The number of taxpayers that claimed the credits allowed in this Article.
- (2) The cost of business property and renewable energy property with respect to which credits were claimed.
- (2a) Repealed by Session Laws 2002-87, s. 6, effective August 22, 2002.

1 (3) The total cost to the General Fund of the credits claimed."

2 **SECTION 3.** G.S.105-129.26(e) reads as rewritten:

3 (e) Reports. – The Department of Commerce and the Department of Revenue
4 ~~shall report to the Fiscal Research Division of the General Assembly~~jointly publish by
5 May 1 of each year the following information itemized by taxpayer for the 12-month
6 period ending the preceding April 1:

7 (1) The number and location of large and major recycling facilities
8 qualified under this Article.

9 (2) The number of new jobs created by each recycling facility.

10 (3) The amount of investment in each recycling facility.

11 (4) The amount of ~~reinvestment credit refunded to each major recycling~~
12 ~~facility credits claimed~~ under ~~G.S. 105-129.28~~this Article."

13 **SECTION 4.** Article 3D of Chapter 105 of the General Statutes is amended
14 by adding a new section to read:

15 "**§ 105-129.38. Reports.**

16 The Department of Revenue must publish by May 1 of each year the following
17 information itemized by taxpayer for the 12-month period ending the preceding April 1:

18 (1) The number of taxpayers that claimed the credits allowed in this
19 Article.

20 (2) The amount of rehabilitation expenditures with respect to which
21 credits were claimed.

22 (3) The total cost to the General Fund of the credits claimed."

23 **SECTION 5.** G.S. 105-129.44 reads as rewritten:

24 "**§ 105-129.44. (See Editor's note for repeal) Report.**

25 The Department of Revenue must ~~report to the Revenue Laws Study Committee and~~
26 ~~the Fiscal Research Division of the General Assembly~~publish by May 1 of each year
27 the following information itemized by taxpayer for the 12-month period ending the
28 preceding April 1:

29 (1) The number of taxpayers that claimed the credit allowed in this
30 Article.

31 (2) The location of each qualified North Carolina low-income building or
32 housing development for which a credit was claimed.

33 (3) The total cost to the General Fund of the credits claimed."

34 **SECTION 6.** G.S. 105-129.54 reads as rewritten:

35 "**§ 105-129.54. Reports.**

36 The Department of Revenue must ~~report to the Revenue Laws Study Committee and~~
37 ~~to the Fiscal Research Division of the General Assembly~~publish by May 1 of each year
38 the following information itemized by taxpayer for the 12-month period ending the
39 preceding December 31:

40 (1) The number of taxpayers that claimed a credit allowed in this Article,
41 itemized by the categories of small business, low-tier, other, and
42 university research.

43 (2) The amount of each credit claimed in each category.

44 (3) The total cost to the General Fund of the credits claimed."

1 **SECTION 7.** Article 3G of Chapter 105 of the General Statutes is amended
2 by adding a new section to read:

3 **"§ 105-129.65A. Reports.**

4 The Department of Revenue shall publish by May 1 of each year the following
5 information itemized by taxpayer for the 12-month period ending the preceding
6 December 31:

- 7 (1) The number of taxpayers claiming a credit allowed in this Article.
- 8 (2) The number of new jobs created with respect to which credits were
9 claimed.
- 10 (3) The amount of investment in real property and machinery and
11 equipment with respect to which credits were claimed.
- 12 (4) The total cost to the General Fund of the credits claimed."

13 **SECTION 8.** G.S. 105-130.25 is amended by adding a new subsection to
14 read:

15 "**(f)** Report. – The Department of Revenue shall publish by May 1 of each year
16 the following information itemized by taxpayer for the 12-month period ending the
17 preceding December 31:

- 18 (1) The number of taxpayers claiming a credit allowed in this section.
- 19 (2) The total costs paid with respect to which credits were claimed.
- 20 (3) The total cost to the General Fund of the credits claimed."

21 **SECTION 9.** G.S. 105-130.28 is amended by adding a new subsection to
22 read:

23 "**(e)** Report. – The Department of Revenue shall publish by May 1 of each year
24 the following information itemized by taxpayer for the 12-month period ending the
25 preceding December 31:

- 26 (1) The number of taxpayers claiming a credit allowed in this section.
- 27 (2) The total costs of construction with respect to which credits were
28 claimed.
- 29 (3) The total cost to the General Fund of the credits claimed."

30 **SECTION 10.** G.S. 105-130.41 is amended by adding a new subsection to
31 read:

32 "**(c1)** Report. – The Department of Revenue shall publish by May 1 of each year
33 the following information itemized by taxpayer for the 12-month period ending the
34 preceding December 31:

- 35 (1) The number of taxpayers claiming a credit allowed in this section.
- 36 (2) The total amount of charges with respect to which credits were
37 claimed.
- 38 (3) The total cost to the General Fund of the credits claimed."

39 **SECTION 11.** G.S. 105-130.45 is amended by adding a new subsection to
40 read:

41 "**(f)** Report. – The Department of Revenue shall publish by May 1 of each year
42 the following information itemized by taxpayer for the 12-month period ending the
43 preceding December 31:

- 44 (1) The number of taxpayers claiming a credit allowed in this section.

1 (2) The total amount of exports with respect to which credits were
2 claimed.

3 (3) The total cost to the General Fund of the credits claimed."

4 **SECTION 12.** G.S. 105-151.22 is amended by adding a new subsection to
5 read:

6 "(c1) Report. – The Department of Revenue shall publish by May 1 of each year
7 the following information itemized by taxpayer for the 12-month period ending the
8 preceding December 31:

9 (1) The number of taxpayers claiming a credit allowed in this section.

10 (2) The total amount of charges with respect to which credits were
11 claimed.

12 (3) The total cost to the General Fund of the credits claimed."

13 **SECTION 13.** G.S. 105-164.14(j) is amended by adding a new subsection to
14 read:

15 "(k) Reports. – The Department of Revenue shall publish by May 1 of each year
16 the following information itemized by taxpayer for the 12-month period ending the
17 preceding July 31:

18 (1) The number of taxpayers claiming a refund allowed in subsections (g),
19 (h), (i), and (j) of this section.

20 (2) The total amount of sales with respect to which refunds were claimed.

21 (3) The total cost to the General Fund of the refunds claimed."

22 **SECTION 14.** G.S. 105-259(b)(26) reads as rewritten:

23 "(b) Disclosure Prohibited. – An officer, an employee, or an agent of the State
24 who has access to tax information in the course of service to or employment by the State
25 may not disclose the information to any other person unless the disclosure is made for
26 one of the following purposes:

27 (27) To publish the information required under G.S. ~~105-129.6~~105-129.6,
28 105-129.19, 105-129.26, 105-129.38, 105-129.44, 105-129.65A,
29 105-130.25, 105-130.28, 105-130.41, 105-130.45, 105-151.22, and
30 105-164.14."

31 **SECTION 15.** Sections 2 through 14 of this act become effective January 1,
32 2006. The remainder of this act is effective when it becomes law.