



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1171

ADOPTED

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

S1171-ASV-59 [v.1]

Page 1 of 2

Comm. Sub. [NO]  
Amends Title [NO]  
Fourth Edition

Date 7/8, 2010

Representative Gibson

1 moves to amend the bill on page 4, lines 38-39, by inserting the following new subsection  
2 between those lines to read:

- 3       "(a3) Contractor Option. – A contractor or subcontractor that is subject to this
- 4       subsection may elect to pay tax on its purchases of machinery and equipment
- 5       described in subsection (a) of this section at the rate set in this section
- 6       instead of the rate set in Article 5 of this Chapter. To make this election, a
- 7       contractor or subcontractor must register with the Secretary for payment of
- 8       tax under this section. The following contractors and subcontractors are
- 9       subject to this section:
- 10       a. A contractor that purchases the machinery and equipment for use in
- 11       the performance of a contract with the owner of a datacenter subject
- 12       to tax under this section.
- 13       b. A subcontractor that purchases the machinery and equipment for use
- 14       in the performance of a contract with a general contractor that has a
- 15       contract with the owner of a datacenter subject to tax under this
- 16       section."

And on page 5, lines 11-46, as amended by Amendment 1, adopted on July 7, 2010, by rewriting the lines to read:

- 17       "**SECTION 8.** G.S. 143B-437.59(b) reads as rewritten:
- 18       '(b) If a business fails to maintain employment at the levels stipulated in the agreement
- 19       or otherwise fails to comply with any condition of the agreement for any two consecutive
- 20       ~~years~~years, the Committee shall take one of the following actions listed in this subsection.
- 21       Under no circumstances may the Committee extend the base period by more than a total of 48
- 22       months. In no event shall the term of the grant be extended beyond the date set by the
- 23       Committee at the time the Committee awarded the grant. The actions are:
- 24       (1) If the business is still within the base period established by the
- 25       ~~Committee,~~Committee in at least one of the two consecutive years in which
- 26       it fails to comply with any condition in the agreement, the Committee shall
- 27       withhold the grant payment for any consecutive year after the second
- 28       consecutive year remaining in the base period in which the business fails to
- 29       comply with any condition of the agreement, and the Committee may extend
- 30       the base period for up to 24 additional months. Under no circumstances may



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
Senate Bill 1171

AMENDMENT NO. 2  
(to be filled in by  
Principal Clerk)

S1171-ASV-59 [v.1]

Page 2 of 2

1 ~~the Committee extend the base period by more than a total of 24 months. In~~  
2 ~~no event shall the term of the grant be extended beyond the date set by the~~  
3 ~~Committee at the time the Committee awarded the grant as provided in this~~  
4 ~~subdivision:~~

5 a. The Committee may extend the base period for up to 24 additional  
6 months, if the business has created and maintained fewer than 1,000  
7 jobs pursuant to its agreement.

8 b. The Committee may extend the base period for up to 48 additional  
9 months if the business has created and maintained at least 1,000 jobs  
10 pursuant to its agreement.

11 (2) If the business is no longer within the base period established by the  
12 Committee, the Committee shall terminate the agreement.'

13 **SECTION 9.** Section 6 of this act becomes effective January 1, 2010. Section 8 of  
14 this act is effective when it becomes law, applies to all agreements in effect on or entered into  
15 after that date, and expires January 1, 2013. The remainder of this act becomes effective July  
16 1, 2010, and applies to sales made on or after that date."

SIGNED

Amendment Sponsor

SIGNED

Committee Chair if Senate Committee Amendment

ADOPTED

100-9EV

FAILED

TABLED

JUL 8 2010

*Benise Weela*

**ADOPTED**