

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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HOUSE BILL 1388
Committee Substitute Favorable 8/23/01

Short Title: Extend Sunset on State Ports Tax Credit.

(Public)

Sponsors:

Referred to:

April 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDITS
3 AND TO EXCLUDE WOOD CHIPS FROM THE STATE PORTS TAX
4 CREDITS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 4 of Chapter 977 of the 1991 Session Laws, as
7 amended by Section 3 of Chapter 495 of the 1995 Session Laws and by Section 29.1 of
8 S.L. 1997-443, reads as rewritten:

9 "Sec. 4. This act is effective for taxable years beginning on or after March 1, ~~1992,~~
10 ~~and ending on or before February 28, 2001.~~ 1992 and expires for taxable years
11 beginning on or after January 1, 2006."

12 **SECTION 2.** Section 4 of Chapter 681 of the 1993 Session Laws, as
13 amended by Section 17 of Chapter 17 of the 1995 Session Laws, by Section 4 of
14 Chapter 495 of the 1995 Session Laws, and by Section 29.1 of S.L. 1997-443, reads as
15 rewritten:

16 "Sec. 4. This act is effective for taxable years beginning on or after January 1, ~~1994,~~
17 ~~and ending on or before February 28, 2001.~~ 1994 and expires for taxable years
18 beginning on or after January 1, 2006."

19 **SECTION 3.** G.S. 105-130.41(a), as reenacted by Section 1 of this act, reads
20 as rewritten:

21 "(a) Credit. – A taxpayer whose waterborne cargo is loaded onto or unloaded from
22 an ocean carrier calling at the State-owned port terminal at Wilmington or Morehead
23 City, without consideration of the terms under which the cargo is moved, is allowed a
24 credit against the tax imposed by this Part. The amount of credit allowed is equal to the
25 excess of the wharfage, handling (in or out), and throughput charges assessed on the
26 cargo for the current taxable year over an amount equal to the average of the charges for
27 the current taxable year and the two preceding taxable years. The credit applies to forest
28 ~~products, products other than wood chips, break-bulk cargo,~~ products, products other than wood chips, break-bulk cargo, and container cargo,
29 including less-than-container-load cargo, that is loaded onto or unloaded from an ocean

1 carrier calling at either the Wilmington or Morehead City port terminal and to bulk
2 cargo that is loaded onto or unloaded from an ocean carrier calling at the Morehead City
3 port terminal. To obtain the credit, taxpayers must provide to the Secretary a statement
4 from the State Ports Authority certifying the amount of charges for which a credit is
5 claimed and any other information required by the Secretary."

6 **SECTION 4.** G.S. 105-151.22(a), as reenacted by Section 2 of this act, reads
7 as rewritten:

8 "(a) Credit. – A taxpayer whose waterborne cargo is loaded onto or unloaded from
9 an ocean carrier calling at the State-owned port terminal at Wilmington or Morehead
10 City, without consideration of the terms under which the cargo is moved, is allowed a
11 credit against the tax imposed by this Part. The amount of credit allowed is equal to the
12 excess of the wharfage, handling (in or out), and throughput charges assessed on the
13 cargo for the current taxable year over an amount equal to the average of the charges for
14 the current taxable year and the two preceding taxable years. The credit applies to forest
15 ~~products,~~products other than wood chips, break-bulk ~~cargo~~cargo, and container cargo,
16 including less-than-container-load cargo, that is loaded onto or unloaded from an ocean
17 carrier calling at either the Wilmington or Morehead City port terminal and to bulk
18 cargo that is loaded onto or unloaded from an ocean carrier calling at the Morehead City
19 port terminal. To obtain the credit, taxpayers must provide to the Secretary a statement
20 from the State Ports Authority certifying the amount of charges for which a credit is
21 claimed and any other information required by the Secretary."

22 **SECTION 5.** This act is effective for taxable years beginning on or after
23 March 2, 2000.