

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1478

Short Title: Make Taxes Uniform & Simpler.

(Public)

Sponsors: Representative Miller.

Referred to: Finance.

May 13, 1999

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR UNIFORM FRANCHISE TAXES AND FILING FEES
FOR CORPORATIONS AND LIMITED LIABILITY COMPANIES AND TO
ELIMINATE INCOME TAX ADD-BACK REQUIREMENTS FOR TAX CREDITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 105-114(b) reads as rewritten:

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

(1) City. – Defined in G.S. 105-228.90.

(1a) Code. – Defined in G.S. 105-228.90.

(2) Corporation. – A domestic corporation, a foreign corporation, a limited liability company, an electric membership corporation organized under Chapter 117 of the General Statutes or doing business in this State, or an association that is organized for pecuniary gain, has capital stock represented by shares, whether with or without par value, and has privileges not possessed by individuals or partnerships. ~~The term does not include a limited liability company.~~

(3) Doing business. – Each and every act, power, or privilege exercised or enjoyed in this State, as an incident to, or by virtue of the powers and privileges granted by the laws of this State.

(4) Income year. – Defined in G.S. ~~105-130.2(5).~~ 105-130.2."

1 Section 2. G.S. 57C-1-22(a) reads as rewritten:
2 "(a) The Secretary of State shall collect the following fees when the documents
3 described in this subsection are delivered to the Secretary of State for filing:

	<u>Document</u>	<u>Fee</u>
4		
5	(1) Articles of organization	\$125.00
6	(2) Application for reserved name	10.00
7	(3) Notice of transfer of reserved name	10.00
8	(4) Application for registered name	10.00
9	(5) Application for renewal of registered name	10.00
10	(6) Limited liability company's statement of	
11	change of registered agent or registered	
12	office or both	5.00
13	(7) Agent's statement of change of registered office	
14	for each affected limited liability company	5.00
15	(8) Agent's statement of resignation	No fee
16	(9) Designation of registered agent or registered	
17	office or both	5.00
18	(10) Amendment of articles of organization	50.00
19	(11) Restated articles of organization without	
20	amendment of articles	10.00
21	(12) Restated articles of organization with amendment of articles	50.00
22	<u>(11a) Restated articles of organization with</u>	
23	<u>amendment of articles</u>	<u>50.00</u>
24	<u>(12) Articles of merger</u>	<u>50.00</u>
25	<u>(13) Articles of dissolution</u>	<u>30.00</u>
26	<u>(14) Cancellation of articles of dissolution</u>	<u>10.00</u>
27	<u>(15) Certificate of administrative dissolution</u>	<u>No fee</u>
28	<u>(16) Application for reinstatement following</u>	
29	<u>administrative dissolution</u>	<u>100.00</u>
30	(13) Articles of merger	50.00
31	(14) Articles of dissolution	30.00
32	(15) Cancellation of articles of dissolution	10.00
33	(16) Certificate of administrative dissolution	No fee
34	(16a) Application for reinstatement following	
35	administrative dissolution	100.00
36	(17) Certificate of reinstatement	No fee
37	(18) Certificate of judicial dissolution	No fee
38	(19) Application for certificate of authority	250.00
39	(20) Application for amended certificate	
40	of authority	50.00
41	(21) Application for certificate of withdrawal	10.00
42	(22) Certificate of revocation of authority to	
43	transact business	No fee

- 1 (23) Articles of correction 10.00
2 (24) Application for certificate of existence
3 or authorization 5.00
4 (25) Annual report 200.00
5 (23) Annual report 20.00
6 (24) Articles of correction 10.00
7 (25) Application for certificate of existence
8 or authorization 5.00
9 (26) Any other document required or permitted to be filed by this Chapter
10 10.00(27) Advisory review of a document 200.00."
11 Section 3. G.S. 105-130.5(a)(10) and G.S. 105-134.6(c)(5) are repealed.
12 Section 4. G.S. 105-151.14(a) reads as rewritten:
13 "(a) A taxpayer who grows a crop and permits the gleaning of the crop during the
14 taxable year shall be allowed as a credit against the tax imposed by this Part an amount
15 equal to ten percent (10%) of the market price of the quantity of the gleaned crop. This
16 credit may not exceed the amount of tax imposed by this Part for the taxable year reduced
17 by the sum of all credits allowable, except tax payments made by or on behalf of the
18 taxpayer. ~~In order to claim the credit allowed under this section, the taxpayer must add~~
19 ~~the market price of the gleaned crop to taxable income as provided in G.S. 105-134.6(e).~~
20 Any unused portion of the credit may be carried forward for the next succeeding five
21 years."
22 Section 5. Section 2 of this act becomes effective January 1, 2000. The
23 remainder of this act is effective for taxable years beginning on or after January 1, 1999.