

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 1388

Short Title: Remove Sunset on State Ports Tax Credit. (Public)

Sponsors: Representatives Hurley, McComas, Preston, Smith; and Redwine.

Referred to: Finance.

April 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO REMOVE 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.~~"

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

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

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

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

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

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

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

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