

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

H

1

HOUSE BILL 1973

Short Title: Extend Various Economic Incentives Sunsets. (Public)

Sponsors: Representatives Owens, Gibson, Wainwright, Brubaker (Primary Sponsors);  
M. Alexander, Faison, Gill, Glazier, Hughes, Lucas, Moore, Spear, Stewart,  
Tarleton, and Wray.

Referred to: Commerce, Small Business, and Entrepreneurship, if favorable, Finance.

May 26, 2010

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE SUNSET OF VARIOUS ECONOMIC INCENTIVES AND TO  
PROVIDE AN ENHANCED INCENTIVE FOR JOBS IN HIGH UNEMPLOYMENT  
COUNTIES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 105-129.16D(d) reads as rewritten:

"§ 105-129.16D. Credit for constructing renewable fuel facilities.

...

(d) Sunset. – This section is repealed effective for facilities placed in service on or after  
January 1, ~~2011~~2014."

**SECTION 2.** G.S. 105-129.16E(d) reads as rewritten:

"§ 105-129.16E. Credit for small business employee health benefits.

...

(d) Sunset. – This section expires for taxable years beginning on or after January 1,  
~~2010~~2014."

**SECTION 3.** G.S. 105-129.16F(b) reads as rewritten:

"§ 105-129.16F. Credit for biodiesel producers.

...

(b) Sunset. – This section is repealed for taxable years beginning on or after January 1,  
~~2010~~2014."

**SECTION 4.** G.S. 105-129.75 reads as rewritten:

"§ 105-129.75. Sunset.

This Article expires January 1, ~~2011~~2014, for rehabilitation projects for which an  
application for an eligibility certification is submitted on or after that date."

**SECTION 5.** G.S. 105-129.82(a) reads as rewritten:

"(a) Sunset. – This Article is repealed effective for business activities that occur on or  
after January 1, ~~2011~~2014."

**SECTION 6.** G.S. 105-163.015 reads as rewritten:

"§ 105-163.015. Sunset.

This Part is repealed effective for investments made on or after January 1, ~~2011~~2014."

**SECTION 7.** G.S. 105-164.14 reads as rewritten:

"§ 105-164.14. Certain refunds authorized.

...

(a1) Passenger Plane Maximum. – An interstate passenger air carrier is allowed a refund  
of the net amount of sales and use tax paid by it in this State on fuel during a calendar year in



1 excess of two million five hundred thousand dollars (\$2,500,000). The "net amount of sales and  
 2 use tax paid" is the amount paid less the refund allowed under subsection (a) of this section. A  
 3 request for a refund must be in writing and must include any information and documentation  
 4 the Secretary requires. A request for a refund is due within six months after the end of the  
 5 calendar year for which the refund is claimed. The refund allowed by this subsection is in  
 6 addition to the refund allowed in subsection (a) of this section. This subsection is repealed for  
 7 purchases made on or after January 1, ~~2011~~2014.

8 ...  
 9 (l) Aviation Fuel for Motorsports Events. – A professional motorsports racing team or  
 10 a motorsports sanctioning body is allowed a refund of the sales and use tax paid by it in this  
 11 State on aviation fuel that is used to travel to or from a motorsports event in this State, to travel  
 12 to a motorsports event in another state from a location in this State, or to travel to this State  
 13 from a motorsports event in another state. For the purposes of this subsection, a "motorsports  
 14 event" includes a motorsports race, a motorsports sponsor event, and motor sports testing. A  
 15 request for a refund must be in writing and must include any information and documentation  
 16 the Secretary requires. A request for a refund is due within six months after the end of the  
 17 State's fiscal year. Refunds applied for after the due date are barred. This subsection is repealed  
 18 for purchases made on or after January 1, ~~2011~~2014.

19 ...."

20 **SECTION 8.** G.S. 105-129.81 is amended by adding a new subdivision to read:

21 "**§ 105-129.81. Definitions.**

22 The following definitions apply in this Article:

23 ...

24 (11a) High unemployment county. – For the taxable years ending on December  
 25 31, 2011, and December 31, 2012, a county that has an unemployment rate  
 26 equal to or greater than one hundred twenty-five percent (125%) of the State  
 27 average unemployment rate, as determined by the Secretary of Commerce  
 28 annually in the development tier ranking published pursuant to  
 29 G.S. 143B-437.08.

30 ...."

31 **SECTION 9.** G.S. 105-129.87(a) reads as rewritten:

32 "(a) Credit. – A taxpayer that meets the eligibility requirements set out in  
 33 G.S. 105-129.83 and satisfies the threshold requirement for new job creation in this State under  
 34 subsection (b) of this section during the taxable year is allowed a credit for creating jobs. The  
 35 amount of the credit for each new job created is set out in the table below and is based on the  
 36 development tier designation of the county in which the job is located. If the job is located in an  
 37 urban progress zone or an agrarian growth zone, the amount of the credit is increased by one  
 38 thousand dollars (\$1,000) per job. In addition, if a job located in an urban progress zone or an  
 39 agrarian growth zone is filled by a resident of that zone or by a long-term unemployed worker,  
 40 or if a job is located in a high unemployment county, the amount of the credit is increased by an  
 41 additional two thousand dollars (\$2,000) per job.

Area Development Tier	Amount of Credit
Tier One	\$12,500
Tier Two	5,000
Tier Three	750"

46 **SECTION 10.** Sections 8 and 9 of this act are effective for taxable years beginning  
 47 on or after January 1, 2010. The remainder of this act is effective when it becomes law.