

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 396

Short Title: Expand Ports Tax Credit/AB.

(Public)

Sponsors: Representatives McComas; Barbee, Buchanan, Carpenter, Clary, Cocklereece, Decker, Grady, Hill, Nye, Pate, Preston, Pulley, Redwine, Sharpe, Sherrill, Snowden, Tallent, G. Wilson, and Wright.

Referred to: Finance.

March 9, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE STATE PORTS TAX CREDIT.
3 The General Assembly of North Carolina enacts:

4 Section 1. G.S. 105-130.41 reads as rewritten:

5 "**§ 105-130.41. Credit for North Carolina State Ports Authority ~~wharfage and~~**
6 **~~handling charges on exports.~~ wharfage, handling, and throughput charges.**

7 (a) Credit. – A taxpayer ~~who is a~~ whose waterborne cargo owner utilizing the deep
8 ~~water docks at the Wilmington or Morehead City port for the movement of export cargo is~~
9 loaded onto or unloaded from an ocean carrier calling at either the State-owned port
10 ~~terminal, terminal at Wilmington or Morehead City,~~ without consideration of the ~~free on-~~
11 ~~board (FOB) terms under which the export cargo is moved,~~ is allowed a credit against the
12 tax imposed by this Division. The amount of credit allowed is equal to the excess of the
13 wharfage, ~~handling in,~~ handling (in or out), and through put charges assessed on the cargo
14 ~~owned by that cargo owner~~ for the current taxable year over an amount equal to the average
15 of the charges for the current taxable year and the two preceding taxable years. The credit
16 applies to break-bulk cargo, bulk cargo, and container cargo including ~~less than container~~
17 ~~load~~ less-than-container-load cargo. To obtain the credit, taxpayers must provide to the

1 Secretary a statement from the State Ports Authority certifying the amount of charges for
2 which a credit is claimed and any other information required by the Secretary.

3 (b) Limitations. – This credit may not exceed fifty percent (50%) of the amount of
4 tax imposed by this Division for the taxable year reduced by the sum of all credits
5 allowable, except tax payments made by or on behalf of the corporation. Any unused
6 portion of the credit may be carried forward for the succeeding five years. The maximum
7 cumulative credit that may be claimed by a corporation under this section is one million
8 dollars (\$1,000,000).

9 (c) Definitions. – For purposes of this section, the terms "~~handling in~~" 'handling' (in
10 or out) and 'wharfage' have the meanings provided in the State Ports Tariff Publications,
11 'Wilmington Tariff, Terminal Tariff #6,' and 'Morehead City Tariff, Terminal Tariff #1.'
12 For purposes of this section, the term 'through put' has the same meaning as 'wharfage'
13 but applies only to bulk products, both dry and liquid."

14 Sec. 2. G.S. 105-151.22 reads as rewritten:

15 "**§ 105-151.22. Credit for North Carolina State Ports Authority ~~wharfage and~~**
16 **~~handling charges on exports. wharfage, handling, and throughput charges.~~**

17 (a) Credit. – A taxpayer ~~who is a~~ whose waterborne cargo owner ~~utilizing the deep~~
18 ~~water docks at the Wilmington or Morehead City port for the movement of export cargo is~~
19 loaded onto or unloaded from an ocean carrier calling at either the State-owned port
20 terminal, terminal at Wilmington or Morehead City, without consideration of the ~~free on-~~
21 ~~board (FOB) terms under which the export cargo is moved,~~ is allowed a credit against the
22 tax imposed by this Division. The amount of credit allowed is equal to the excess of the
23 wharfage, ~~handling in,~~ handling (in or out), and through put charges assessed on the cargo
24 ~~owned by that cargo owner~~ for the current taxable year over an amount equal to the average
25 of the charges for the current taxable year and the two preceding taxable years. The credit
26 applies to break-bulk cargo, bulk cargo, and container cargo including ~~less than container~~
27 ~~load~~ less-than-container-load cargo. To obtain the credit, taxpayers must provide to the
28 Secretary a statement from the State Ports Authority certifying the amount of charges for
29 which a credit is claimed and any other information required by the Secretary.

30 (b) Limitations. – This credit may not exceed fifty percent (50%) of the amount of
31 tax imposed by this Division for the taxable year reduced by the sum of all credits
32 allowable, except tax payments made by or on behalf of the taxpayer. Any unused portion
33 of the credit may be carried forward for the succeeding five years. The maximum
34 cumulative credit that may be claimed by a taxpayer under this section is one million
35 dollars (\$1,000,000).

36 (c) Definitions. – For purposes of this section, the terms "~~handling in~~" 'handling' (in
37 or out) and 'wharfage' have the meanings provided in the State Ports Tariff Publications,
38 'Wilmington Tariff, Terminal Tariff #6,' and 'Morehead City Tariff, Terminal Tariff #1.'
39 For purposes of this section, the term 'through put' has the same meaning as 'wharfage'
40 but applies only to bulk products, both dry and liquid."

41 Sec. 3. Section 4 of Chapter 977 of the 1991 Session Laws reads as rewritten:

42 "Sec. 4. This act is effective for taxable years beginning on or after March 1, 1992,
43 1992. and ending on or before February 28, 1996."

1 Sec. 4. This act is effective for taxable years beginning on or after January 1,
2 1995.