North Carolina

Biennial Tax
Expenditure Report

2007

Policy Analysis and Statistics Division
November 2007

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# Table of Contents

**Introduction**
- Defining Tax Expenditures for This Study .......................................................... 1
- Measuring the Fiscal Effects of Tax Expenditures .............................................. 2  

**Updates to the Expenditure Report Since 2005** ........................................ 7
- Tax Expenditures That Have Been Substantially Changed Since 2005 ............. 7
- Extended Sunset Dates ..................................................................................... 9
- New Tax Expenditures, Replacing Others ......................................................... 12
- Tax Expenditures Omitted From Last Report ................................................... 13
- Sunsetted Tax Expenditures .......................................................................... 14

**Privilege Taxes (Article 2)** ............................................................................. 15
- Tax Base Information ......................................................................................... 15
- Exemptions from 3% gross receipts tax ........................................................... 15
- Preferential rate for 3% gross receipts tax ......................................................... 18
- Exemptions from license fee of $50 for attorneys-at-law and other professionals 19
- Exemptions from loan agency annual privilege tax of $250 .............................. 19
- Exemptions from $15 per ton tax on unrecycled newsprint ............................. 20

**Tobacco Tax (Article 2A)** ................................................................................ 21
- Tax Base Information ......................................................................................... 21
- Expenditures .................................................................................................... 21

**Alcoholic Beverage License and Excise Taxes (Article 2C)** .......................... 22
- Tax Base Information ......................................................................................... 22
- Expenditures .................................................................................................... 22

**Franchise Tax (Article 3)** ................................................................................ 23
- Brief Background and Tax Base Information .................................................. 23
- Exemptions ...................................................................................................... 25
- Deductions ...................................................................................................... 27
- Tax Credits ..................................................................................................... 29
- Caps ................................................................................................................ 29

**Corporation Income Tax (Article 4, Part 1)** .................................................. 30
- Brief Description and Tax Base Information ................................................... 30
- Exemptions .................................................................................................... 33
Table of Contents

Deductions ................................................................................................................................ 36
Tax Credits ................................................................................................................................ 41

**Business and Energy Tax Credits (Article 3B)** ................................................................. 45
Tax Incentives for Recycling Facilities (Article 3C) ............................................................. 48
Historic Rehabilitation Tax Credits (Article 3D) ................................................................. 49
Low-Income Housing Tax Credits (Article 3E) ..................................................................... 50
Research and Development Tax Credits (Article 3F) .......................................................... 51
Tax Incentives for Major Computer Manufacturing Facilities (Article 3G) ....................... 52
Mill Rehabilitation Tax Credit (Article 3H) ............................................................................ 53
Tax Credits for Growing Businesses (Article 3J) ................................................................. 54
Tax Incentives for Railroad Intermodal Facilities (Article 3K) .......................................... 55

**Individual Income Tax (Article 4, Part 2)** ..................................................................... 56
  Brief Description and Tax Base Information ...................................................................... 56
  Exemptions .......................................................................................................................... 59
  Deductions .......................................................................................................................... 59
  Tax Credits ......................................................................................................................... 63

**Sales and Use Tax (Article 5)** ...................................................................................... 70
  Tax Base Information ......................................................................................................... 70
  Exemptions .......................................................................................................................... 75
  Refunds ............................................................................................................................... 92
  Preferential tax rates .......................................................................................................... 95
  Caps ..................................................................................................................................... 98

**Highway Use Tax (Article 5A)** ..................................................................................... 99
  Tax Base Information ......................................................................................................... 99
  Expenditures ....................................................................................................................... 99

**Scrap Tire Disposal Tax (Article 5B)** .......................................................................... 102
  Tax Base Information ........................................................................................................ 102
  Expenditures ....................................................................................................................... 102

**White Goods Disposal Tax (Article 5C)** ................................................................... 103
  Tax Base Information ........................................................................................................ 103
  Expenditures ....................................................................................................................... 103

**Piped Natural Gas Tax (Article 5E)** ............................................................................. 104
  Tax Base Information ........................................................................................................ 104
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>104</td>
</tr>
<tr>
<td>Gift Taxes (Article 6)</td>
<td>105</td>
</tr>
<tr>
<td>Tax Base Information</td>
<td>105</td>
</tr>
<tr>
<td>Expenditures</td>
<td>105</td>
</tr>
<tr>
<td>Taxes on Insurance Companies (Article 8B)</td>
<td>106</td>
</tr>
<tr>
<td>Tax Base Information</td>
<td>106</td>
</tr>
<tr>
<td>Expenditures</td>
<td>106</td>
</tr>
<tr>
<td>Excise Stamp Tax on Conveyances (Article 8E)</td>
<td>108</td>
</tr>
<tr>
<td>Tax Base Information</td>
<td>108</td>
</tr>
<tr>
<td>Expenditures</td>
<td>108</td>
</tr>
<tr>
<td>Excise Tax on Motor Fuels (Article 36C) and Alternative Fuels (Article 36D)</td>
<td>110</td>
</tr>
<tr>
<td>Tax Base Information</td>
<td>110</td>
</tr>
<tr>
<td>Expenditures</td>
<td>110</td>
</tr>
<tr>
<td>Appendix A: Major Federal Tax Expenditures</td>
<td>114</td>
</tr>
<tr>
<td>Appendix B: Other Tax Exclusions and Exemptions</td>
<td>115</td>
</tr>
<tr>
<td>Privilege Tax</td>
<td>115</td>
</tr>
<tr>
<td>Bank Annual Privilege Tax</td>
<td>115</td>
</tr>
<tr>
<td>Tobacco Tax</td>
<td>115</td>
</tr>
<tr>
<td>Alcoholic Beverage License and Excise Taxes</td>
<td>116</td>
</tr>
<tr>
<td>Franchise Tax</td>
<td>117</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>117</td>
</tr>
<tr>
<td>Individual Income Tax</td>
<td>119</td>
</tr>
<tr>
<td>Sales and Use Tax</td>
<td>121</td>
</tr>
<tr>
<td>Highway Use Tax</td>
<td>123</td>
</tr>
<tr>
<td>Tax on Insurance Companies</td>
<td>124</td>
</tr>
<tr>
<td>Excise Tax on Motor Fuels and Alternative Fuels</td>
<td>124</td>
</tr>
<tr>
<td>Appendix C: Confidential Tax Expenditures</td>
<td>126</td>
</tr>
<tr>
<td>Index</td>
<td>127</td>
</tr>
</tbody>
</table>
Table of Contents

List of Tables

Table 1. Summary of Tax Expenditures ................................................................. 3
Table 2. Forty Largest Tax Expenditures .............................................................. 4
Table 3. Franchise Tax Expenditure Estimates ..................................................... 24
Table 4. Corporate Income Tax Expenditure Estimates ....................................... 31
Table 5. Individual Income Tax Expenditure Estimates ........................................ 57
Table 6. Carry-Over Provisions for Individual Income Tax ................................. 69
Table 7. Sales and Use Tax Expenditure Estimates ............................................. 71
North Carolina Biennial Tax Expenditure Report

2007

Introduction

In compliance with the requirements of Section 105-256 of the General Statutes of North Carolina, the Department of Revenue has prepared this report of tax expenditures contained in the Revenue Laws of North Carolina as amended through 2007. The listing of expenditures and measurements of their respective costs will allow legislative review of their impact on the State’s economy and on government revenues.

Defining Tax Expenditures for This Study

A “tax expenditure” is defined as an exemption, exclusion, deduction, allowance, credit, refund, preferential tax rate or other device which reduces the amount of tax revenue which otherwise would be collected.

Tax expenditures are created to give economic assistance to certain groups of producers or consumers in the economy or to promote other policy goals. This report does not purport to evaluate the various expenditures as to equity or desirability from a public policy standpoint.

This report concentrates on those tax expenditures that the General Assembly can alter. There are some tax expenditures that are not subject to legislative action. For instance, Constitutional restrictions forbid taxing the federal government’s purchases, as well as certain transactions involving interstate trade and trade on Indian Reservations. Also, specific exemptions or exclusions that are made in order to avoid duplicate taxation of an activity are not considered to be tax expenditures. For example, S-corporations are not taxed on profits that are transferred to shareholders, who subsequently pay income taxes on these dividends. These types of tax expenditures are listed in the Appendix.

There are several other important tax breaks that are not considered tax expenditures for this report. Some exemptions and exclusions are necessary to define the appropriate base that is being taxed. For example, North Carolina’s choice of Federal Taxable Income (FTI) as the starting point for income tax calculations is not considered an expenditure, even though FTI is generally lower than other measures of income.

The sales tax presents the most ambiguous cases of when exemptions should be included as tax expenditures for this report. The sales tax is generally considered to be a tax on “retail” purchases. Transactions involving the purchase of intermediate goods that will be further processed into a final good are properly exempted from the sales tax. It is arguable whether purchases of machinery, fuel or similar inputs used in production of final goods should be taxed. Since there is no consensus on this point, we include estimates of tax exemptions on machinery. Sales tax exemptions that are excluded from estimation are included in the Appendix.

The term “preferential tax rate” has been interpreted to mean any rate that is less than the basic rate that applies to the largest number of taxpayers. In some instances higher rates are used on a
Introduction

relatively small number of taxpayers. In such cases, the lower general rates are not listed as preferential. Nor are graduated tax rates, such as those contained in the individual income tax, the estate tax, and the gift tax. Also, no preferential status is acknowledged when distinctly different bases are taxed at different rates under the same tax schedule. For example, under the alcoholic beverage taxes, different rates and bases are used to tax beer, wine, and spirituous liquor.

Measuring the Fiscal Effects of Tax Expenditures

It should be noted at the outset of this report that the fiscal effects of tax expenditures are sometimes difficult to quantify. Several methods for estimating the costs of expenditures are used.

The most accurate source of information comes from actual tax returns that provide direct evidence of when certain expenditures are taken and the amounts of those expenditures. For example, we are able to use personal income tax and corporate income tax returns from 2004 and 2003 respectively to precisely measure the use of certain tax deductions and tax credits.

In some cases, we may not have data on tax returns for specific tax expenditures, but we do have good estimates for several expenditures combined. For example, retailers must list on their sales and use tax returns the amount of sales subject to the special 1% rate. Based on this, our estimates of several expenditures receiving this rate can be summed up and rescaled to get closer to the actual amounts.

Sometimes, needed data are more timely and extensive at the national level than at the state level. When this occurs, the state-level data are estimated by determining North Carolina’s share of national activity. In these cases, several assumptions must be made to derive the final estimates. Therefore, these estimates are far less reliable than those that can be measured directly.

For most national economic data, the share of North Carolina’s activities will consistently be in the range of 2 3/4% to 3%, which also corresponds to North Carolina’s share of population and gross domestic product (GDP). Therefore, national statistics are often multiplied by 2.9% to estimate North Carolina’s value. However, when it is apparent that North Carolina’s data are not typical of national activity, such as textile or pharmaceutical manufacturing, attempts are made to use more representative proportions.

In some cases, sufficient data were not available to allow estimation of the value of an expenditure. In these cases the expenditure estimate is designated as “unavailable.”
Table 1

Summary of Tax Expenditure Estimates for FY 2007-08 by Tax Category

<table>
<thead>
<tr>
<th>Tax</th>
<th>Number of Expenditures</th>
<th>Sum of Estimates of $100,000 and Over (Millions of Dollars)</th>
<th>Number Estimated to Be Less than $100,000</th>
<th>Number with Unavailable or Confidential Estimate*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Privilege Tax</td>
<td>20</td>
<td>14.5</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>Tobacco Products Tax</td>
<td>3</td>
<td>4.9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Alcoholic Beverage Tax</td>
<td>2</td>
<td>2.4</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Franchise Tax</td>
<td>21</td>
<td>217.0</td>
<td>0</td>
<td>7</td>
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<tr>
<td>Corporation Income Tax</td>
<td>47</td>
<td>399.0</td>
<td>15</td>
<td>11</td>
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<tr>
<td>Various Tax Incentives (Articles 3B through 3K)</td>
<td>24</td>
<td>192.2</td>
<td>2</td>
<td>5</td>
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<tr>
<td>Individual Income Tax</td>
<td>36</td>
<td>1,307.6</td>
<td>12</td>
<td>1</td>
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<tr>
<td>Sales and Use Tax</td>
<td>90</td>
<td>2,317.4</td>
<td>13</td>
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<td>Highway Use Tax</td>
<td>11</td>
<td>127.7</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Scrap Tire Disposal Tax</td>
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<td>0</td>
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<td>White Goods Disposal Tax</td>
<td>1</td>
<td>0.0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Piped Natural Gas Tax</td>
<td>2</td>
<td>13.0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gift Taxes</td>
<td>3</td>
<td>25.7</td>
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<tr>
<td>Taxes on Insurance Companies</td>
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<td>173.4</td>
<td>0</td>
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<td>Excise Stamp Tax on Conveyances</td>
<td>8</td>
<td>11.5</td>
<td>2</td>
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<tr>
<td>Excise Taxes on Motor Fuels</td>
<td>15</td>
<td>121.0</td>
<td>5</td>
<td>0</td>
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</table>

| Totals                                        | 290                    | 4,927.3†                                                    | 62                                        | 47                                               |

* There are 10 confidential items. See Appendix C for an explanation of the confidentiality requirements and a list of the confidential expenditures.
† The sum of the estimates is provided for comparative purposes only. It should not be interpreted as the total gain to state revenue from eliminating all tax expenditures listed in this report. The total impact may be larger or smaller than this amount, depending on the interactions of the various tax expenditures.
Table 2
Forty Largest Tax Expenditures in North Carolina in FY 2007-08

<table>
<thead>
<tr>
<th>Rank</th>
<th>Tax</th>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 estimate (millions of dollars)</th>
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<tbody>
<tr>
<td>1</td>
<td>Sales and Use Tax</td>
<td>66</td>
<td>164.13B</td>
<td>Food Exemption</td>
<td>446.3</td>
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<td>2</td>
<td>Sales and Use Tax</td>
<td>24</td>
<td>164.13(13)</td>
<td>Prescription Drugs and Insulin</td>
<td>387.8</td>
</tr>
<tr>
<td>3</td>
<td>Individual Income Tax</td>
<td>5</td>
<td>134.6(b)(5b)</td>
<td>Government Retirement Income under Bailey Settlement</td>
<td>335.3</td>
</tr>
<tr>
<td>4</td>
<td>Sales and Use Tax</td>
<td>42</td>
<td>164.13(32)</td>
<td>Sales of Motor Vehicles</td>
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</tr>
<tr>
<td>5</td>
<td>Individual Income Tax</td>
<td>4</td>
<td>134.6(b)(3)</td>
<td>Social Security Benefits in Excess of Federal Limit</td>
<td>279.5</td>
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<tr>
<td>6</td>
<td>Sales and Use Tax</td>
<td>71</td>
<td>164.14(b)</td>
<td>Refund of Sales Taxes to Nonprofits</td>
<td>235.0</td>
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<tr>
<td>7</td>
<td>Individual Income Tax</td>
<td>13</td>
<td>134.6(c)(4a)</td>
<td>Higher Personal Exemption for Low and Middle-Income Taxpayers</td>
<td>224.5</td>
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<td>8</td>
<td>Sales and Use Tax</td>
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<td>164.13(5a)</td>
<td>Items Taxed by Article 5F</td>
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<td>9</td>
<td>Individual Income Tax</td>
<td>26</td>
<td>151.24</td>
<td>Credit for Children</td>
<td>164.2</td>
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<td>10</td>
<td>Corporation Income Tax</td>
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<td>130.5(b)(1)</td>
<td>U.S. Obligation Interest</td>
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</tr>
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<td>11</td>
<td>Franchise Tax</td>
<td>21</td>
<td>120.2(b)(1)</td>
<td>Cap for Holding Companies</td>
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</tr>
<tr>
<td>12</td>
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<td>Net Economic Losses</td>
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<tr>
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<td>Trade-In Allowance</td>
<td>110.0</td>
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<tr>
<td>14</td>
<td>Taxes on Insurance Premiums</td>
<td>2</td>
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<td>Premiums Received from Annuities</td>
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<tr>
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<td>Sales and Use Tax</td>
<td>87</td>
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<tr>
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<td>--------------------</td>
<td>------</td>
<td>----------------</td>
<td>----------------------------------------------------------------------------</td>
<td>--------------------------------------</td>
</tr>
<tr>
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<td>Sales and Use Tax</td>
<td>2</td>
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<td>Feeds, Litter and Medications for Farming</td>
<td>85.2</td>
</tr>
<tr>
<td>17</td>
<td>Excise Taxes on Motor Fuels</td>
<td>1</td>
<td>449.80(a)</td>
<td>Fuel Tax Rate Cap</td>
<td>81.8</td>
</tr>
<tr>
<td>18</td>
<td>Sales and Use Tax</td>
<td>72</td>
<td>164.14(c)</td>
<td>Refund of Sales Taxes to Sub-State Government Entities Except Schools</td>
<td>71.5</td>
</tr>
<tr>
<td>19</td>
<td>Individual Income Tax</td>
<td>6</td>
<td>134.6(b)(6)</td>
<td>Private Retirement Plans and Government Pensions</td>
<td>65.0</td>
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<tr>
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<td>32</td>
<td>164.13(23)a</td>
<td>Packaging Items for Manufacturers, Producers and Retailers</td>
<td>61.6</td>
</tr>
<tr>
<td>21</td>
<td>Corporation Income Tax</td>
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<td>Double-Weighting of Sales Factor in Apportionment Formula</td>
<td>58.4</td>
</tr>
<tr>
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<td>Individual Income Tax</td>
<td>19</td>
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<td>Credit for Child Care and Certain Employment-Related Expenses</td>
<td>57.7</td>
</tr>
<tr>
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<td>Franchise Tax</td>
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<td>55.6</td>
</tr>
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<td>Items Sold to Farmers</td>
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<tr>
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<td>Tax Credits for Growing Businesses</td>
<td>2</td>
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<td>31</td>
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<td>Earned Income Tax Credit</td>
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</tr>
<tr>
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<td>Sales and Use Tax</td>
<td>46</td>
<td>164.13(38)</td>
<td>Food Stamp Purchases</td>
<td>44.5</td>
</tr>
<tr>
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<td>Corporation Income Tax</td>
<td>4</td>
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<td>Certain Charitable Organizations</td>
<td>43.8</td>
</tr>
<tr>
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<td>Sales and Use Tax</td>
<td>57</td>
<td>164.13(51)</td>
<td>Water Delivered Through Main Pipes</td>
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</tr>
<tr>
<td>30</td>
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<td>Individual Income Tax</td>
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<td>134.6(b)(1)</td>
<td>U.S. and N.C. Obligation Interest</td>
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<td>Sales and Use Tax</td>
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<td>164.13(5b)</td>
<td>Telephone Equipment</td>
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<td>Charitable Contributions by Nonitemizers</td>
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<td>Research and Development Tax</td>
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<td>Credit for North Carolina Research and Development</td>
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<td>164.13(12)</td>
<td>Durable Medical Equipment</td>
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<td>38</td>
<td>Sales and Use Tax</td>
<td>36</td>
<td>164.13(27)</td>
<td>Food Sold in Dining Rooms Operated by Educational Institution</td>
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<td>39</td>
<td>Sales and Use Tax</td>
<td>86</td>
<td>164.4(a)(1j)</td>
<td>Electricity to Manufacturers and Farmers at 1.8%</td>
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<td>Individual Income Tax</td>
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<td>Carry-Over Provisions</td>
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</table>
Updates to the Expenditure Report Since 2005

This section highlights changes to this report since the last publication in October 2005. These changes are listed in six separate categories:

1. tax expenditures that have been changed since 2005
2. tax expenditures that have had their sunset dates extended since 2005
3. new tax expenditures enacted since 2005
4. tax expenditures that are new, but substantially replacing other provisions that have been repealed since 2005
5. other tax expenditures that were unintentionally omitted from the last tax expenditure report
6. tax expenditures that have sunsetted since 2005.

In several of the entries below, a brief description of the changes to the tax expenditure is provided. For a more complete description, as well as cross-references to particular legislation that includes the changes, see the annual “Tax Law Changes” publication located on the North Carolina Department of Revenue website.

Tax Expenditures That Have Been Substantially Changed Since 2005

1. Credit for Investing in Renewable Energy Property
   Tax Category: Business and Energy Tax Credit
   Citation: G.S. 105-129.16A
   Description of Changes: (1) The credit ceiling was raised from $250,000 to $2,500,000; (2) a system that heats a pool became eligible for the $1,400 credit for solar energy equipment that provides domestic water heating; (3) the sunset was extended from January 1, 2008 to January 1, 2011.

2. Credit for North Carolina Research and Development
   Tax Category: Credit for Research and Development
   Citation: G.S. 105-129.55(a)
   Description of Changes: The credit percentages were all increased .25 percentage points, effective January 1, 2007.

3. Credit for NC University Research Expenses
   Tax Category: Credit for Research and Development
   Citation: G.S. 105-129.55(b)
   Description of Changes: The credit percentages were increased from 15% to 20%, effective January 1, 2007.

4. Credit for Child Care and Certain Employment-Related Expenses
   Tax Category: Individual Income Tax
   Citation: G.S. 105-151.11
   Description of Changes: The maximum amounts of allowed employment-related expenses were raised to the federal levels, effective for taxable years beginning on or after January 1, 2006.
5. Credit for Certain Real Property Donations  
   Tax Category: Individual Income Tax  
   Citation: G.S. 105-151.12  
   Description of Changes: The clause allowing each member of a partnership to take the  
   maximum credit was extended to tax years beginning on or after January 1, 2007. The  
   maximum credit for pass-throughs and married couples was set at $500,000.

6. Charitable Contributions by Nonitemizers  
   Tax Category: Individual Income Tax  
   Citation: G.S. 105-151.26  
   Description of Changes: The credit for charitable contributions and the credit for oyster shell  
   donations cannot both be taken for the same donation.

7. Aircraft and Boats  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.4(a)(1b)  
   Description of Changes: Railway cars and locomotives were removed from this exemption,  
   but they are eligible for refund if purchased by an interstate carrier under G.S. 164.14(a).

8. Items Sold to Farmers  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.13(1) and (1a)  
   Description of Changes: The exemptions were expanded to include (1) potting soil, (2) farm  
   machinery and lubricants applied to the machinery, (3) horses and mules, (4) fuel other than  
   electricity, and (5) grain, feed, or soybean storage facilities and parts and accessories attached  
   to the facilities. During the 2007 session, baler twine was also added.

9. Tobacco Farming Items  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.13(4d)  
   Description of Changes: The exemptions were expanded to include related items that were  
   subject to a 1% State tax rate with a maximum tax of $80 per article prior to January 1, 2006.

10. Items Used by Laundries and Dry Cleaning Businesses  
    Tax Category: Sales and Use Tax  
    Citation: G.S. 105-164.13(10)  
    Description of Changes: The exemptions were expanded to include related items that were  
    subject to a 1% State tax rate with a maximum tax of $80 per article prior to January 1, 2006.

11. Items Purchased by Interstate Passenger Air Carriers  
    Tax Category: Sales and Use Tax  
    Citation: G.S. 105-164.13(45)  
    Description of Changes: An exemption for aircraft simulators for flight crew training was  
    added. Prior to January 1, 2006, aircraft simulators were subject to a 1% State tax rate with a  
    maximum tax of $80 per article.

12. Food Exemption  
    Tax Category: Sales and Use Tax  
    Citation: G.S. 105-164.13B  
    Description of Changes: Candy is no longer exempt as of Nov 1, 2005; alcoholic beverages  
    were redefined as "not food".
13. Sales and Use Tax Holiday
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.13C
   Description of Changes: Added exemption (3a): computer supplies with a sales price of $250 or less per item; and an exemption for instructional material up to $300, effective Oct 1, 2007.

Extended Sunset Dates

14. Credit for Constructing Renewable Fuel Facilities
   Tax Category: Business and Energy Tax Credit
   Citation: G.S. 105-129.16D(b)
   Description of Changes: The sunset was extended from January 1, 2008 to January 1, 2011.

15. Credit for Qualified Business Investments
   Tax Category: Individual Income Tax
   Citation: G.S. 105-163.011
   Description of Changes: The sunset was extended from January 1, 2008 to January 1, 2011.

16. Refund of Aviation Fuel for Motorsports Events
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(l)
   Description of Changes: The sunset was extended from January 1, 2007 to January 1, 2009.

17. Cap on Tax of Aviation Fuel for Interstate Passenger Air Carriers
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(a1)
   Description of Changes: The sunset was extended from January 1, 2007 to January 1, 2009.

New Tax Expenditure Provisions Since 2005

18. Farm-Related Amusements
   Tax Category: Privilege Tax
   Citation: G.S. 105-40(12)

19. Tax Credit for LLCs Subject to Franchise Tax
   Tax Category: Franchise Tax
   Citation: G.S. 105-122.1

20. Alternative Cigarette Export Credit
   Tax Category: Corporation Income Tax
   Citation: G.S. 105-130.46

21. Tax Credit for Recycling Oyster Shells
   Tax Category: Corporation Income Tax
   Citation: G.S. 105-130.48
22. Alternate Credit for Constructing Renewable Fuel Facilities  
   Tax Category: Business and Energy Tax Credit  
   Citation: G.S. 105-129.16D(b1)

23. Small Business Health Insurance Tax Credit  
   Tax Category: Business and Energy Tax Credit  
   Citation: G.S. 105-129.16E

24. Tax Credit to Refund Motor Fuel Excise Tax for Biodiesel  
   Tax Category: Business and Energy Tax Credit  
   Citation: G.S. 105-129.16F

25. Work Opportunity Tax Credit  
   Tax Category: Business and Energy Tax Credit  
   Citation: G.S. 105-129.16G

26. Credit for Income-Producing Rehabilitated Mill Property  
   Tax Category: Mill Rehabilitation Tax Credit  
   Citation: G.S. 105-129.71

27. Credit for Nonincome-Producing Rehabilitated Mill Property  
   Tax Category: Mill Rehabilitation Tax Credit  
   Citation: G.S. 105-129.72

28. Credit for Constructing a Railroad Intermodal Facility  
   Tax Category: Tax Incentives for Railroad Intermodal Facilities  
   Citation: G.S. 105-129.96

29. Parental Savings Trust Fund tax deduction  
   Tax Category: Individual Income Tax  
   Citation: G.S. 105-134.6(d)(4)

30. Volunteer Fire and Rescue Squad Deduction  
    Tax Category: Individual Income Tax  
    Citation: G.S. 105-134.6(d)(6)

31. Tax Credit for Recycling Oyster Shells  
    Tax Category: Individual Income Tax  
    Citation: G.S. 105-151.3

32. Long-Term Care Credit  
    Tax Category: Individual Income Tax  
    Citation: G.S. 105-151.28

33. Earned Income Tax Credit  
    Tax Category: Individual Income Tax  
    Citation: G.S. 105-151.31
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Tax Category</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>34</td>
<td>Credit for Adoption Expenses</td>
<td>Individual Income Tax</td>
<td>G.S. 105-151.32</td>
</tr>
<tr>
<td>35</td>
<td>Commercial Logging Machinery</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.13(4f)</td>
</tr>
<tr>
<td>36</td>
<td>Bread Sold at a Bakery Thrift Store</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.13(27a)</td>
</tr>
<tr>
<td>37</td>
<td>Electricity and Eligible Business Property for an Internet Data Center</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.13(55)</td>
</tr>
<tr>
<td>38</td>
<td>Locomotives, Cranes and Trucks for a Railroad Intermodal Facility</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.13(56)</td>
</tr>
<tr>
<td>39</td>
<td>Partial Refund for Purchases of Railway Cars and Accessories by a Utility</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.14(a2)</td>
</tr>
<tr>
<td>40</td>
<td>Refund on Professional Motor Racing Vehicle Parts</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.14(m)</td>
</tr>
<tr>
<td>41</td>
<td>Refund for Analytical Service Companies</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.14(n)</td>
</tr>
<tr>
<td>42</td>
<td>Refund for Railroad Intermodal Facilities</td>
<td>Sales and Use Tax</td>
<td>G.S. 105-164.14(n)</td>
</tr>
<tr>
<td>43</td>
<td>Reduced Rate for Manufacturers and Farmers</td>
<td>Piped Natural Gas Tax</td>
<td>G.S. 105-187.41(d)</td>
</tr>
<tr>
<td>44</td>
<td>Fuel Tax Rate Cap</td>
<td>Excise Taxes on Motor Fuels</td>
<td>G.S. 105-449.80(a)</td>
</tr>
<tr>
<td>45</td>
<td>Biodiesel Used in the Producer's Vehicle</td>
<td>Excise Taxes on Motor Fuels</td>
<td>G.S. 105-449.88(9)</td>
</tr>
</tbody>
</table>
New Tax Expenditures, Replacing Others

46. Credit for Creating Jobs  
   Tax Category: Tax Credits for Growing Businesses  
   Citation: G.S. 105-129.87  
   Description of Changes: This tax credit, along with the following two, replace the William S. Lee Act credits (Article 3A).

47. Credit for Investing in Business Property  
   Tax Category: Tax Credits for Growing Businesses  
   Citation: G.S. 105-129.88  
   Description of Changes: This tax credit, along with the preceding and succeeding ones, replace the William S. Lee Act credits (Article 3A).

48. Credit for Investing in Real Property  
   Tax Category: Tax Credits for Growing Businesses  
   Citation: G.S. 105-129.89  
   Description of Changes: This tax credit, along with the preceding two, replace the William S. Lee Act credits (Article 3A).

49. Electricity to Manufacturers at 2.6%  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.4(a)(1i)  
   Description of Changes: Replaces G.S. 105-164.4(a)(1f)b as of July 1, 2007.

50. Electricity to Manufacturers and Farmers at 1.8%  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.4(a)(1j)  
   Description of Changes: Replaces G.S. 105-164.4(a)(1i) as of October 1, 2007.

51. Telecommunications Services and Charges  
   Tax Category: Sales and Use Tax  
   Citation: G.S. 105-164.13(54)a-e  
   Description of Changes: Replaces G.S. 105-164.4C(c)(5)-(16) as of January 1, 2007. These new exemptions, along with a revised definition of "telecommunications services" in G.S. 105-164.3(48), effectively leave the tax treatment the same, except that one-way paging and charges for the Universal Service Fund are now taxable. More information about these changes are available in a Department of Revenue memo available on the internet at www.dornc.com/taxes/sales/TelecomNotice10-06.pdf.
Tax Expenditures Omitted From Last Report

52. Double-Weighting of Sales Factor in Apportionment Formula
   Tax Category: Corporation Income Tax
   Citation: G.S. 105-130.4

53. 911 Charges
   Tax Category: Corporation Income Tax
   Citation: G.S. 105-130.5(b)(17)

54. Higher Personal Exemption for Low and Middle-Income Taxpayers
   Tax Category: Individual Income Tax
   Citation: G.S. 105-134.6(c)(4a)

55. Political Parties Financing Fund Designation
   Tax Category: Individual Income Tax
   Citation: G.S. 105-159.1

56. Public Campaign Fund Designation
   Tax Category: Individual Income Tax
   Citation: G.S. 105-159.2

57. Items Taxed by Article 5F
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.13(5a)

58. Sales of Motor Vehicles
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.13(32)

59. Aerial Survey Data
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.13(53)

60. Refund for Major Recycling Facilities
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(g)

61. Refund for Low Enterprise Tier Machinery
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(h)

62. Refund for Nonprofit Insurance Companies
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(i)

63. Refund for Certain Industrial Facilities
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.14(j)
Report Updates

64. Municipalities That Sell Electric Power
   Tax Category: Sales and Use Tax
   Citation: G.S. 105-164.21A

65. Trade-In Allowance
   Tax Category: Highway Use Tax
   Citation: G.S. 105-187.3(b)

Sunsetted Tax Expenditures

66. Construction of Renewable Energy Equipment Facility
   Tax Category: Corporation Income Tax
   Citation: G.S. 105-130.28
   Description of Changes: This credit sunsetted January 1, 2006. The credit was against
   corporate income tax liability for 25% of costs of construction of a renewable energy
   equipment facility.
Privilege Taxes (Article 2)

Tax Base Information

Privilege taxes are imposed for the privilege of carrying on business or doing a remunerative act within the State. Privilege taxes on corporations are discussed under the “franchise tax” article.

There is no standard tax base or tax rate for privilege taxes that covers all businesses or activities. However, in order to determine preferential tax rates and exclusions, the tax rate is assumed to be 3% when the tax base is gross receipts and $50 when there is a flat licensing fee.

In Fiscal Year 2006-07, approximately $46 million was collected from this tax.

Exemptions from 3% gross receipts tax

1. **Low Admission Fee**
   - Citation: G.S. 105-37.1(a)(1)
   - Description: Giving, offering or managing dance or athletic contests with admissions charges of 50 cents or less.
   - Estimate (in millions): less than $0.1
   - Note: There would have to be over 6.6 million tickets sold for this to be above $100,000.

2. **Charitable Performances by Uncompensated Local Talent**
   - Citation: G.S. 105-40(1)
   - Description: Performances by local talent exclusively, for the benefit of religious, charitable, benevolent or educational purposes, as long as no compensation is paid to the local talent.
   - Estimate (in millions): Unavailable

3. **NC Symphony Society**
   - Citation: G.S. 105-40(2)
   - Description: NC Symphony Society, Inc., as specified in G.S. 140-10.1.
   - Estimate (in millions): $0.1

   **Data Source:** Estimate based on total budget of $11 million reported by the North Carolina Symphony Society. A report from 2002 by the Symphony Orchestra Institute estimated that U.S. symphonies in this budget range earned on average 40% of their expenses.
4. **Agricultural Fairs**  
**Citation:** G.S. 105-40(3)  
**Description:** Exhibits, shows, attractions, and amusements operated by a society or association organized under the provisions of Chapter 106 of the General Statutes where the society or association has obtained a permit from the Secretary of Revenue to operate without the payment of taxes.  
**Estimate (in millions):** $1.5  
**Data Source:** List of county fairs and attendance from North Carolina Association of Agricultural Fairs, fair websites and local media where available.  
**Note:** Per person receipts based on avg. gate price of $6 and additional $16 for amusements.

5. **Outdoor Historical Dramas**  
**Citation:** G.S. 105-40(4)  
**Description:** Outdoor historical dramas, as specified in Article 19C of Chapter 143 of the General Statutes.  
**Estimate (in millions):** $0.1  
**Data Source:** Institute of Outdoor Drama at the University of North Carolina at Chapel Hill

6. **Events at Primary and Secondary Schools**  
**Citation:** G.S. 105-40(5)  
**Description:** Elementary and secondary school athletic contests, dances and other amusements.  
**Estimate (in millions):** $7.9  
**Data Source:** Estimates based on 2002 data from the National Center for Educational Statistics. North Carolina’s revenues from student activities were not directly available. Estimates were made by averaging revenues in nearby states (Alabama, South Carolina, and Tennessee) and adjusting by the number of schools and the number of students in North Carolina.

7. **First $1,000 of Charitable Amusements**  
**Citation:** G.S. 105-40(6)  
**Description:** First $1,000 of gross receipts from amusements promoted and managed by civic organizations when the entire proceeds are used exclusively for civic and charitable purposes and not to defray the expenses of conducting the amusement.  
**Estimate (in millions):** less than $0.1  
**Data Source:** Department of Revenue amusement tax data  
**Note:** Each event receives a $30 tax break. There would have to be over 3,300 events to reach the $100,000 threshold.
8. **Youth Athletic Contests**  
   **Citation:** G.S. 105-40(6a)  
   **Description:** Youth athletic contest with an admission price of $10 or less sponsored by an entity exempt from State income tax.  

   **Estimate (in millions):** less than $0.1  

   **Data Source:** Department of Revenue amusement tax data

9. **Amusements at Nonprofit Arts Centers**  
   **Citation:** G.S. 105-40(7)  
   **Description:** Amusements promoted by a corporation exempt from income tax that operates a center for the performing or visual arts -- the exempt events must be held at the center.  

   **Estimate (in millions):** $0.6  

   **Data Source:** Estimate based on expected receipts of major qualifying events and festivals.

10. **Amusements Promoted by Nonprofit Arts Organization**  
    **Citation:** G.S. 105-40(7a)  
    **Description:** Exemption for all exhibitions, performances, and entertainments promoted and managed by nonprofit arts organization whose primary purpose is to offer choral and theatrical performances.  

    **Estimate (in millions):** $0.2  

    **Data Source:** Revenues from exempt arts groups provided by 2002 Economic Census. The share of ticket sales are from Theatre Communications Group and 2002 Census (for promoters).  

    **Note:** The estimate is net of related estimated expenditures in this section.

11. **Amusements by Teen Centers**  
    **Citation:** G.S. 105-40(8)  
    **Description:** Persons exempt from income tax who are operating a teen center.  

    **Estimate (in millions):** less than $0.1  

    **Note:** Likely to be small given amounts in other amusement categories.
Privilege Taxes

12. **Arts Festivals**  
**Citation:** G.S. 105-40(10)  
**Description:** Arts festivals of less than 7 consecutive days, no more than twice a year, held outdoors on public property by an income tax-exempt person.

**Estimate (in millions):** $0.2

**Data Source:** Estimate based on expected receipts of major qualifying events and festivals.

13. **Community Festivals**  
**Citation:** G.S. 105-40(11)  
**Description:** Community festivals held by a person exempt from income tax, no more than one per calendar year, no more than seven consecutive days, involving a variety of exhibitions, the majority of which are open to the public.

**Estimate (in millions):** $0.1

**Data Source:** Estimate based on expected receipts of major qualifying events and festivals.

14. **Farm-Related Amusements**  
**Citation:** G.S. 105-40(12)  
**Description:** All farm-related exhibitions, shows, attractions, or amusements offered on land used for bona fide farm purposes as defined in G.S. 153A-340. This exemption was added in 2006 and was made effective retroactively for activities occurring on or after January 1, 1999.

**Estimate (in millions):** $0.1

**Data Source:** Estimate based on expected receipts of major qualifying events and festivals.

**Preferential rate for 3% gross receipts tax**

15. **1% Tax on Motion Pictures**  
**Citation:** G.S. 105-38.1(a)  
**Description:** 1% gross receipts tax on motion pictures -- if a person offers entertainment that includes both a motion picture and another type of amusement, the total gross receipts will be taxed at the normal rate.

**Estimate (in millions):** $3.4

**Data Source:** Department of Revenue amusement tax data
Privilege Taxes

Exemptions from license fee of $50 for attorneys-at-law and other professionals

16. Professionals over 75 Years Old
   Citation: G.S. 105-41(b)(1)
   Description: Exemption from license fee for attorneys or other professionals who are over 75 years old.

   Estimate (in millions): less than $0.1

   Data Source: Derived from Department of Revenue list of licenses.

17. Individuals Practicing Art of Healing
   Citation: G.S. 105-41(b)(2)
   Description: Exemption from license fee for individuals who practice the art of healing for a fee, if the person is an adherent of an established church or religious organization and confines the healing practice to prayer or spiritual means.

   Estimate (in millions): less than $0.1

   Data Source: Derived from Department of Revenue list of licenses

18. Blind Individuals
   Citation: G.S. 105-41(b)(3)
   Description: Exemption from license fee for blind individuals.

   Estimate (in millions): less than $0.1

   Data Source: Derived from Department of Revenue list of licenses.

Exemptions from loan agency annual privilege tax of $250

19. Savings Institutions
   Citation: G.S. 105-102.3
   Description: Exemption from bank privilege tax for savings institutions created under General Statute Chapter 54B, 54C or Home Owners' Loan Act of 1933.

   Estimate (in millions): $0.3

   Data Source: North Carolina Commission on Banks and Federal Depositors' Insurance Corporation
Exemptions from $15 per ton tax on unrecycled newsprint

20. Unavailability of Recycled Newsprint
   Citation: G.S. 105-102.6(e)
   Description: Exemption from tax on unrecycled paper if recycled newsprint is unavailable due to (1) high price, (2) comparable quality or (3) time constraints.

   Estimate (in millions): less than $0.1

   Data Source: Department of Revenue tax data
Tobacco Tax (Article 2A)

Tax Base Information

The tax rate on a pack of cigarettes increased from 5¢ to 30¢ on September 1, 2005 and increased to 35¢ on July 1, 2006. Other tobacco products are taxed at the rate of 10% of the price of the products as of October 1, 2007. (Between September 1, 2005 and September 30, 2007, the tax rate was 3%).

During Fiscal Year 2006-07, approximately $241 million was collected from this tax.

Expenditures

1. **Discount for Timely Reports -- Cigarettes**
   
   **Citation:** G.S. 105-113.21(a1)
   
   **Description:** A distributor who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%.
   
   **Estimate (in millions):** $4.4
   
   **Data Source:** Department of Revenue tax data
   
   **Note:** This provision was effective beginning August 1, 2004. There was a 4% discount prior to August 1, 2003.

2. **Unsalable Cigarettes and Cigars**
   
   **Citation:** G.S. 105-113.21(b) & 113.39(b)
   
   **Description:** Refund for unsalable cigarettes and cigars upon which the tax has been paid.
   
   **Estimate (in millions):** $0.2
   
   **Data Source:** Department of Revenue tax data

3. **Discount for Timely Reports -- Other Tobacco Products**
   
   **Citation:** G.S. 105-113.39
   
   **Description:** A wholesale dealer or retail dealer who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%.
   
   **Estimate (in millions):** $0.3
   
   **Data Source:** Department of Revenue tax data
   
   **Note:** This provision was effective beginning August 1, 2004. There was a 4% discount prior to August 1, 2003.
Alcoholic Beverage License and Excise Taxes (Article 2C)

Tax Base Information

An excise tax of 53.177¢ per gallon is levied on the sale of malt beverages. An excise tax of 21¢ per liter is levied on the sale of unfortified wine and an excise tax of 24¢ per liter is levied on the sale of fortified wine. An excise tax of 25% is levied on liquor sold in ABC stores.

During Fiscal Year 2006-07, $244.8 million was collected from this tax. Of this amount, $31.6 million was distributed to local governments.

Expenditures

1. **Discount for Timely Reports**
   
   **Citation:** G.S. 105-113.85
   
   **Description:** A wholesaler or importer who files a timely report and sends a timely payment may deduct from the amount due a discount of 2%.

   **Estimate (in millions):** $2.4

   **Data Source:** Department of Revenue tax data

2. **Sacramental Wine**

   **Citation:** G.S. 105-113.87(a)
   
   **Description:** Refund for wine used for sacramental purposes.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue tax data
Franchise Tax (Article 3)

Brief Background and Tax Base Information

The franchise tax is a privilege tax on corporations operating in North Carolina. The tax is currently $1.50 for every $1000 of the largest of the following three measures:

1. the total amount of capital stock, surplus and undivided profits
2. the net accounting value of real and tangible property in the State
3. 55% of the appraised value of real and tangible property in the State

For tax year 2003, 45% of C-corporations filing tax returns used the first of these measures as the taxable amount, while 19% of corporations used the second and 10% used the third. Twenty-seven percent of the returns listed no assets for various reasons: (1) the taxpayer was exempt from the franchise tax; (2) the 2003 tax year return was a final return; or (3) the taxpayer incorrectly completed the form.

For corporations doing business both in and outside North Carolina, the share of capital stock due to North Carolina is calculated by the same method used for the corporation income tax: the average of the corporation’s shares of property, payroll and sales, with the sales factor double-weighted.

The minimum franchise tax is $35. For tax year 2002, 40% of C-corporations and 47% of S-corporations paid the minimum amount.

In Fiscal Year 2006-07, North Carolina collected $672.1 million in franchise taxes.
### Table 3

**Franchise Tax Expenditure Estimates for FY 2007-08**

<table>
<thead>
<tr>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 Estimate (millions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>122(c)(1)</td>
<td>Double-Weighting of Sales Factor in Apportionment of Capital Stock</td>
<td>3.2</td>
</tr>
<tr>
<td>2</td>
<td>125(a)(1)</td>
<td>Charitable Nonprofits</td>
<td>55.6</td>
</tr>
<tr>
<td>3</td>
<td>125(a)(3)</td>
<td>Local Mutual Nonprofits</td>
<td>2.2</td>
</tr>
<tr>
<td>4</td>
<td>125(a)(4)</td>
<td>Cooperative Marketing Associations</td>
<td>0.2</td>
</tr>
<tr>
<td>5</td>
<td>125(a)(5)</td>
<td>Production Credit Association</td>
<td>0.5</td>
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<td>6</td>
<td>125(a)(6)</td>
<td>Nonprofit Clubs</td>
<td>2.7</td>
</tr>
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<td>7</td>
<td>125(a)(7)</td>
<td>Chambers of Commerce</td>
<td>0.8</td>
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<td>125(a)(8)</td>
<td>Homeowners' Associations</td>
<td>2.5</td>
</tr>
<tr>
<td>9</td>
<td>125(a)(9)</td>
<td>Miscellaneous Nonprofits</td>
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<tr>
<td>10</td>
<td>125(a)</td>
<td>Real Estate Mortgage Investment Conduits</td>
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<tr>
<td>11</td>
<td>122(b)(4)</td>
<td>Deduction from Capital Stock for Investments in Pollution Abatement</td>
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<tr>
<td>12</td>
<td>122(b)(5)</td>
<td>Deduction from Capital Stock for Investments in Hazardous Waste Abatement</td>
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<td>14</td>
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<td>Treasury Stock</td>
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<td>122(d)</td>
<td>Deduction from Property Investment for Expenses Related to Purchases of Real Estate</td>
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<td>122(d)</td>
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<td>17</td>
<td>122(d)</td>
<td>Deduction from Property Investment for Investments in Rural Sewer Services</td>
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<td>125(b)</td>
<td>Real Estate Investment Trusts and Regulated Investment Corporations</td>
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<td>122.1</td>
<td>Tax Credit for LLCs Subject to Franchise Tax</td>
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<td>122(d1)</td>
<td>Piped Natural Gas Credit</td>
<td>4.2</td>
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<td>21</td>
<td>120.2(b)(1)</td>
<td>Cap for Holding Companies</td>
<td>130.0</td>
</tr>
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</table>
Exemptions

1. **Double-Weighting of Sales Factor in Apportionment of Capital Stock**
   
   **Citation:** G.S. 105-122(c)(1)
   
   **Description:** The capital stock, surplus and undivided profits of a corporation are apportioned using the formula in G.S. 105-130.4, which doubles the relative importance of the company's sales in the State.

   **Estimate (in millions):** $3.2

   **Data Source:** Department of Revenue tax data

   **Note:** There are several types of companies that do not use the double-weighted sales factor to calculate their apportionment percentage. These include building or construction contractors, several types of financial companies, motor carriers, etc.

2. **Charitable Nonprofits**
   
   **Citation:** G.S. 105-125(a)(1)
   
   **Description:** Charitable, religious, fraternal, benevolent, scientific or educational nonprofit.

   **Estimate (in millions):** $55.6

   **Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

3. **Local Mutual Nonprofits**
   
   **Citation:** G.S. 105-125(a)(3)
   
   **Description:** Mutual ditch or irrigation association, mutual or cooperative telephone association, mutual canning association, cooperative breeding association or similar corporation of a purely local character deriving receipts solely from assessments, dues, or fees collected from members for the sole purpose of meeting expenses.

   **Estimate (in millions):** $2.2

   **Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

4. **Cooperative Marketing Associations**
   
   **Citation:** G.S. 105-125(a)(4)
   
   **Description:** Cooperative marketing associations that operate solely for the purpose of marketing the products of members or other farmers and returns proceeds of sales to members and farmers, less operating costs.

   **Estimate (in millions):** $0.2

   **Data Source:** Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)
5. **Production Credit Association**  
*Citation:* G.S. 105-125(a)(5)  
*Description:* Nonprofit production credit association organized under federal Farm Credit Act of 1933.  

*Estimate (in millions):* $0.5  

*Data Source:* Based on assets of the four farm credit associations in North Carolina

6. **Nonprofit Clubs**  
*Citation:* G.S. 105-125(a)(6)  
*Description:* Clubs organized and operated exclusively for pleasure, recreation, or other nonprofit purposes, a civic league operated solely for the promotion of social welfare, a business league, or a board of trade.  

*Estimate (in millions):* $2.7  

*Data Source:* Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

7. **Chambers of Commerce**  
*Citation:* G.S. 105-125(a)(7)  
*Description:* Chamber of commerce or merchants' association, not organized for profit.  

*Estimate (in millions):* $0.8  

*Data Source:* Based on IRS data compiled by the National Center for Charitable Statistics (NCCS)

8. **Homeowners' Associations**  
*Citation:* G.S. 105-125(a)(8)  
*Description:* Condominium association, homeowners' association, or cooperative housing corporation not organized for profit.  

*Estimate (in millions):* $2.5  

*Data Source:* Based on IRS data compiled by the National Center for Charitable Statistics (NCCS) and additional information from Department of Revenue 2002 corporate income tax data.
9. **Miscellaneous Nonprofits**  
   **Citation:** G.S. 105-125(a)(9)  
   **Description:** Other organization exempt from federal income tax under the Code.  
   **Estimate (in millions):** $2.6  
   **Data Source:** Estimate for credit unions from NC Deptment of Commerce, Credit Union Division Annual Report (2003). Share of assets taxable for franchise tax derived from comparison to savings banks in Department of Revenue database.

10. **Real Estate Mortgage Investment Conduits**  
    **Citation:** G.S. 105-125(a)  
    **Description:** An entity that qualifies as a real estate mortgage investment conduit, as defined in section 860D of the Code, is exempt from franchise taxes.  
    **Estimate (in millions):** Unavailable

**Deductions**

11. **Deduction from Capital Stock for Investments in Pollution Abatement**  
    **Citation:** G.S. 105-122(b)(4)  
    **Description:** Deduction for cost of air-cleaning device or sewage or waste treatment plant and pollution abatement equipment.  
    **Estimate (in millions):** Unavailable

12. **Deduction from Capital Stock for Investments in Hazardous Waste Abatement**  
    **Citation:** G.S. 105-122(b)(5)  
    **Description:** Deduction for cost of purchasing equipment or constructing facilities for the purpose of recycling or reducing hazardous wastes.  
    **Estimate (in millions):** Unavailable

13. **Deduction from Capital Stock for Facilities Used for Residential Sewer Services**  
    **Citation:** G.S. 105-122(b)(6)  
    **Description:** Deduction for the cost of constructing facilities used to provide sewer services to residential and outlying areas.  
    **Estimate (in millions):** Unavailable
14. **Treasury Stock**  
   **Citation:** G.S. 105-122(b)(7)  
   **Description:** Treasury stock shall not be considered in computing the capital stock, surplus and undivided profits as the basis for franchise tax, but shall be excluded proportionately.

   **Estimate (in millions):** $10.0

   **Data Source:** Department of Revenue 2001 and 2003 C-Corp sample database

15. **Deduction from Property Investment for Expenses Related to Purchases of Real Estate**  
   **Citation:** G.S. 105-122(d)  
   **Description:** Deduction from tangible property investments of reserves for depreciation and any indebtedness incurred by virtue of the purchase of any real estate and any improvements.

   **Estimate (in millions):** Unavailable

16. **Deduction from Property Investment for Waste Abatement Investments**  
   **Citation:** G.S. 105-122(d)  
   **Description:** Deduction from tangible property investments of cost of air-cleaning device or sewerage or waste treatment plant.

   **Estimate (in millions):** Unavailable

17. **Deduction from Property Investment for Investments in Rural Sewer Services**  
   **Citation:** G.S. 105-122(d)  
   **Description:** Deduction from tangible property investments for the cost of constructing facilities built to provide sewer service to residential and outlying areas.

   **Estimate (in millions):** Unavailable

18. **Real Estate Investment Trusts and Regulated Investment Corporations**  
   **Citation:** G.S. 105-125(b)  
   **Description:** Deduction for market value of a real estate investment trust or regulated investment corporation of investments in the stocks, bonds or debts of other entities.

   **Estimate (in millions):** $2.0

   **Data Source:** Department of Revenue 2005 C-Corp database
Tax Credits

19. Tax Credit for LLCs Subject to Franchise Tax
   Citation: G.S. 105-122.1
   Description: Limited liability companies that are subject to the franchise tax are allowed a credit for the difference between the annual reporting fee for LLCs ($200) and the annual reporting fee for other corporations ($18 for electronic copy, $25 for paper copy). The amount of the credit cannot exceed the LLC's franchise tax liability for the year.

   Estimate (in millions): $0.5

   Data Source: The number of LLCs that filed as corporations in TY 2003 (excluding nonprofits) was approximately 2,800.

   Note: This credit was effective January 1, 2007. Prior to this, all LLCs were exempt from the franchise tax.

20. Piped Natural Gas Credit
   Citation: G.S. 105-122(d1)
   Description: Tax credit of one-half amount of piped natural gas tax. The credit allowed may not exceed the tax amount reduced by all credits.

   Estimate (in millions): $4.2

   Data Source: Department of Revenue 2003 and 2004 C-Corp and S-Corp databases

   Note: The amount claimed for this deduction was approximately $32M in TY2003. See "Corporation Income and Business Franchise Taxes: Tax Year 2003," pp. 7, 11.

Caps

21. Cap for Holding Companies
   Citation: G.S. 105-120.2(b)(1)
   Description: Maximum tax of $75,000 for holding companies. A holding company is any corporation which receives during its taxable year more than 80% of its gross income from corporations in which it owns directly or indirectly more than 50% of the outstanding voting stock.

   Estimate (in millions): $130.0

   Data Source: Department of Revenue 2004 C-Corp and S-Corp databases

   Note: Approximately 55 companies were subject to this cap in 2004.
Corporation Income Tax (Article 4, Part 1)

Brief Description and Tax Base Information

The corporation income tax is a tax on the profits of C-corporations operating in North Carolina. The tax rate is 6.9% of the corporation’s State net income.

For corporations doing business both in and outside North Carolina, the share of business income taxable to North Carolina is calculated by the following formula: the average of the corporation’s ratios of capital stock, payroll and sales within North Carolina to the company’s totals of these factors, with the sales factor double-weighted. For a few types of companies, the sales factor only is used. These companies include building or construction contractors, securities dealers, loan companies, or corporations that receive more than 50% of their ordinary gross income from intangible property.

The corporation tax base is net income, or profits, since most operating costs can be deducted. There is no minimum tax, so that corporations with negative profits pay no corporation income taxes. Based on 2002 tax returns, two-thirds of corporations filing North Carolina C-corporation tax returns had no tax liability. This creates a special problem in measuring individual tax expenditures since some companies that claim them would still have negative incomes if they were not allowed that particular deduction. (The tax expenditure is non-binding for these companies.) In the measurement of tax expenditures in this section, attempts were made to include only companies for which the tax expenditure actually reduces tax liability.

S-corporations may also claim the credits and deductions in this section for nonresident shareholders who elect not to file individual income tax returns in North Carolina.

G.S. 105-130.5(a)(10) requires corporations to add the amount of any credits taken to their taxable income. The estimates of tax credits in this section were adjusted for this provision.

In Fiscal Year 2006-07, North Carolina collected approximately $1.6 billion in corporate income taxes.
## Table 4

**Corporate Income Tax Expenditure Estimates for FY 2007-08**

<table>
<thead>
<tr>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 Estimate (millions of dollars)</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>130.4</td>
<td>Double-Weighting of Sales Factor in Apportionment Formula</td>
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<td>130.11(a)(1)</td>
<td>Fraternal Beneficiary Societies</td>
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<td>3</td>
<td>130.11(a)(2)</td>
<td>Certain Cooperative Companies</td>
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<tr>
<td>4</td>
<td>130.11(a)(3)</td>
<td>Certain Charitable Organizations</td>
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<td>130.11(a)(4)</td>
<td>Nonprofit Business Associations</td>
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<td>130.11(a)(5)</td>
<td>Nonprofit Promoters of Social Welfare</td>
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<td>8</td>
<td>130.11(a)(7)</td>
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<td>9</td>
<td>130.11(a)(8)</td>
<td>Nonprofit Agricultural Marketing Memberships</td>
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<td>10</td>
<td>130.11(a)(9)</td>
<td>Certain Agricultural Associations</td>
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<td>130.11(a)(11)</td>
<td>Homeowners' Association</td>
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<td>130.5(b)(1)</td>
<td>U.S. Obligation Interest</td>
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<td>13</td>
<td>130.5(b)(1a)</td>
<td>N.C. Obligation Interest</td>
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<tr>
<td>14</td>
<td>130.5(b)(7)</td>
<td>Depreciation of Certain Facilities</td>
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<td>15</td>
<td>130.5(b)(8)</td>
<td>Net Capital Losses Not Deductible from Federal Taxable Income</td>
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<td>Shareholders of a Regulated Investment Company</td>
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<td>17</td>
<td>130.5(b)(12)</td>
<td>Reforestation and Cultivation of Trees</td>
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<td>18</td>
<td>130.5(b)(13)</td>
<td>Income from International Banking Facility</td>
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<td>130.5(b)(19)</td>
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<td>130.5(c)(2)</td>
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<td>130.8</td>
<td>Net Economic Losses</td>
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<td>130.9(1)</td>
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<td>31</td>
<td>130.10</td>
<td>Amortization of Pollution Abatement Facilities and Equipment</td>
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<td>130.10A</td>
<td>Amortization of Equipment Mandated by OSHA</td>
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<td>33</td>
<td>130.6A(f)</td>
<td>Credit for Bank Holding Companies Related to Expenses on Nontaxed Earnings</td>
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<td>34</td>
<td>130.6A(g)</td>
<td>Credit for Electric Power Holding Companies Related to Expenses on Nontaxed Earnings</td>
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<td>35</td>
<td>130.22</td>
<td>Rental Units for Handicapped Persons</td>
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<td>36</td>
<td>130.25</td>
<td>Equipment for Cogenerating Power Plant</td>
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<td>37</td>
<td>130.34</td>
<td>Credit for Certain Real Property Donations</td>
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<td>130.36</td>
<td>Conservation Tillage Equipment Credit</td>
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<td>130.37</td>
<td>Credit for Gleaned Crops</td>
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<td>130.39</td>
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<td>130.41</td>
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<td>130.43</td>
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<td>Credit for Poultry Composting Facility</td>
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<td>130.48</td>
<td>Tax Credit for Recycling Oyster Shells</td>
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</tr>
</tbody>
</table>
Exemptions

1. **Double-Weighting of Sales Factor in Apportionment Formula**
   
   **Citation:** G.S. 105-130.4
   
   **Description:** For most corporations, business income is apportioned to North Carolina based on the share of (1) payroll, (2) property, & (3) sales in North Carolina. The sales factor is double-weighted.

   **Estimate (in millions):** $58.4

   **Data Source:** Department of Revenue tax data

   **Note:** There are several types of companies that do not use the double-weighted sales factor to calculate their apportionment percentage. These include building or construction contractors, several types of financial companies, motor carriers, etc.

2. **Fraternal Beneficiary Societies**
   
   **Citation:** G.S. 105-130.11(a)(1)
   
   **Description:** Exemption for fraternal beneficiary societies, orders or associations (a) operating under the lodge system or providing benefits to members of a lodge system and (b) providing for the payment of life, sick, accident, or other benefits to members of the organization or their dependents.

   **Estimate (in millions):** less than $0.1

   **Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(8) organizations.

3. **Certain Cooperative Companies**
   
   **Citation:** G.S. 105-130.11(a)(2)
   
   **Description:** Exemption for nonprofit cooperative banks without capital stock and electric and telephone membership corporations organized under Chapter 117 of the General Statutes.

   **Estimate (in millions):** $3.6

   **Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(12) organizations.
4. Certain Charitable Organizations  
**Citation:** G.S. 105-130.11(a)(3)  
**Description:** Exemption for cemetary corporations and corporations organized for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

**Estimate (in millions):** $43.8

**Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(3) and 501(c)(13) organizations.

5. Nonprofit Business Associations  
**Citation:** G.S. 105-130.11(a)(4)  
**Description:** Exemption for business leagues, chambers of commerce, merchants' associations or boards of trade not organized for profit.

**Estimate (in millions):** $0.7

**Data Source:** National Center for Charitable Statistics “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(6) organizations.

**Citation:** G.S. 105-130.11(a)(5)  
**Description:** Exemption for civic leagues or organizations not organized for profit, but operated for the promotion of social welfare.

**Estimate (in millions):** $0.3

**Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(4) organizations.

7. Nonprofit Clubs  
**Citation:** G.S. 105-130.11(a)(6)  
**Description:** Exemption for nonprofit clubs organized and operated exclusively for pleasure, recreation, and other nonprofitable purposes.

**Estimate (in millions):** $0.5

**Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001," Statistics of Income, IRS. Based on data for IRC 501(c)(7) organizations. Net taxable income was estimated by the difference between revenues and expenses.
8. **Local Mutual Nonprofits**
   **Citation:** G.S. 105-130.11(a)(7)
   **Description:** Exemption for farmers' or other mutual hail, cyclone, or fire insurance companies, mutual ditch or irrigation companies, mutual or cooperative telephone companies, or like organizations of a purely local nature.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Data on county farm mutual insurance companies, NC Department of Insurance; Department of Revenue corporation income tax data

9. **Nonprofit Agricultural Marketing Memberships**
   **Citation:** G.S. 105-130.11(a)(8)
   **Description:** Exemption for farmers', fruit growers' or like organization for the purposes of marketing member products.

   **Estimate (in millions):** $0.2

   **Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS. Based on data for IRC 501(c)(5) organizations.

   **Note:** The estimate includes Item #9.

10. **Certain Agricultural Associations**
    **Citation:** G.S. 105-130.11(a)(9)
    **Description:** Exemption for mutual associations formed under GS 54-111 through 54-128 to conduct agricultural business on the mutual plan and marketing associations organized under GS 54-129 through 54-158.

    **Estimate (in millions):** included above

11. **Homeowners' Association**
    **Citation:** G.S. 105-130.11(a)(11)
    **Description:** Exemption for nonprofit condominium associations, homeowners' associations, or cooperative housing corporation.

    **Estimate (in millions):** $0.4

    **Data Source:** National Center for Charitable Statistics; “Charities and Other Tax-Exempt Organizations, 2001,” Statistics of Income, IRS.
Corporation Income Tax

Deductions

12. U.S. Obligation Interest
   Citation: G.S. 105-130.5(b)(1)
   Description: Deductions for interest upon the obligations of the U.S. or its possessions, to the extent included in federal taxable income.
   Estimate (in millions): $135.4
   Data Source: Department of Revenue 2003 C-Corp and S-Corp databases

13. N.C. Obligation Interest
   Citation: G.S. 105-130.5(b)(1a)
   Description: Deductions for interest on the obligations of this State, a political subdivision of this State, or a commission, an authority, or another agency of this State or of a political subdivision of this State, or a nonprofit educational institution.
   Estimate (in millions): $5.0
   Data Source: Department of Revenue 2005 C-Corp database

14. Depreciation of Certain Facilities
   Citation: G.S. 105-130.5(b)(7)
   Description: Deduction for depreciation of emergency facilities acquired prior to Jan 1, 1955.
   Estimate (in millions): less than $0.1
   Data Source: Department of Revenue 2001 C-Corp sample database

15. Net Capital Losses Not Deductible from Federal Taxable Income
   Citation: G.S. 105-130.5(b)(8)
   Description: Deduction for the amount of losses realized on the sale or disposition of assets not allowed under section 1211(a) of the Code.
   Estimate (in millions): $5.0
   Data Source: Department of Revenue 2003 C-Corp sample database
   Note: The estimate is net of the amount of additional tax due to G.S. 105-130.5(a)(5).
16. Shareholders of a Regulated Investment Company  
**Citation:** G.S. 105-130.5(b)(9)  
**Description:** Deduction of the portion of undistributed capital gains of a regulated investment company for which a shareholder in the company takes a federal credit or deduction under Section 852 of the Code.  

**Estimate (in millions):** Unavailable

17. Reforestation and Cultivation of Trees  
**Citation:** G.S. 105-130.5(b)(12)  
**Description:** Deduction for reasonable expenses, in excess of deductions allowed under the Code, paid for reforestation and cultivation of commercially grown trees.  

**Estimate (in millions):** less than $0.1

**Data Source:** Department of Revenue 2001 C-Corp sample database

18. Income from International Banking Facility  
**Citation:** G.S. 105-130.5(b)(13)  
**Description:** Deduction of the eligible income of an international banking facility to the extent included in determining federal taxable income.  

**Estimate (in millions):** Confidential – See Appendix C

**Data Source:** Department of Revenue 2005 tax returns

19. Basis Adjustment for Federal Tax Credit  
**Citation:** G.S. 105-130.5(b)(14)  
**Description:** Deduction for the amount that the basis of a depreciable asset is reduced due to Federal tax credit.  

**Estimate (in millions):** Unavailable

20. Marketing Assessments on Tobacco  
**Citation:** G.S. 105-130.5(b)(15)  
**Description:** Deduction for the amount paid, pursuant to 7 U.S.C. 1445-2, as marketing assessments on tobacco grown by a corporation in North Carolina.  

**Estimate (in millions):** $0

**Data Source:** Department of Revenue 2002 and 2003 C-Corp database

**Note:** The federal provisions on which the marketing assessments were based have been repealed in the American Jobs Creation Act of 2004.
21. **Natural Gas Expansion Surcharges**  
   **Citation:** G.S. 105-130.5(b)(16)  
   **Description:** Deduction for the amount of natural gas expansion surcharges collected by a natural gas local distribution company.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** North Carolina Utilities Commission; Department of Revenue 2005 tax returns  
   **Note:** There are four natural gas local distribution companies.

22. **911 Charges**  
   **Citation:** G.S. 105-130.5(b)(17)  
   **Description:** To the extent included in federal taxable income, 911 charges imposed under G.S. 62A-43 and remitted to the 911 Fund under that section.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** Department of Revenue 2005 tax returns

23. **Earnings of Certain Trusts**  
   **Citation:** G.S. 105-130.5(b)(18)  
   **Description:** Deduction of earnings on a trust for settlement of an agreement by two or more manufacturers with the State for potential claims against the manufacturers.  
   **Estimate (in millions):** Confidential – See Appendix C  
   **Data Source:** Department of Revenue records

24. **Income from Hurricane Floyd Reserve Fund**  
   **Citation:** G.S. 105-130.5(b)(19)  
   **Description:** Deduction for the amount paid to taxpayer from the Hurricane Floyd Reserve Fund.  
   **Estimate (in millions):** $0  
   **Note:** Not likely to be significant in the analysis period.
25. **Disaster Relief Reserve Payments**  
**Citation:** G.S. 105-130.5(b)(22)  
**Description:** Deduction for amounts paid to taxpayers for hurricane relief from the Disaster Relief Reserve Fund, not to include amounts paid for goods and services provided.  

**Estimate (in millions):** $0  
**Data Source:** Legislative fiscal note  
**Note:** Eligible expenses only involved payments for crops destroyed by hurricanes in 2004.

26. **Percentage Depletion over Cost Depletion**  
**Citation:** G.S. 105-130.5(c)(2)  
**Description:** Federal taxable income must be increased or decreased to account for any difference in the amount of depreciation, amortization, or gains or losses applicable to property which has been depreciated or amortized by use of a different basis or rate for State income tax purposes than used for federal income tax purposes.  

**Estimate (in millions):** $2.7  
**Data Source:** Department of Revenue 2002-04 C-Corp databases

27. **Expenses Related to Nontaxed Dividends for Bank Holding Company**  
**Citation:** G.S. 105-130.6A(e)  
**Description:** Cap for bank holding companies of $11,000,000 as a result of the limitation of 105-130.6A(c).  

**Estimate (in millions):** Confidential – See Appendix C  
**Data Source:** Department of Revenue tax returns

28. **Net Economic Losses**  
**Citation:** G.S. 105-130.8  
**Description:** Deduction for net economic losses in any or all of the 15 preceding income years.  

**Estimate (in millions):** $124.0  
**Data Source:** Department of Revenue 2001, 2002 and 2003 C-Corp databases  
**Note:** Approximately 19,000 C-corporations took this deduction in 2003. In practice, S-corporations cannot take this deduction; their shareholders may deduct their share of net economic losses in the corporation through the individual income tax. (See 105-134.7(a)(4)).
29. **Charitable Contributions Outside N.C.**
   **Citation:** G.S. 105-130.9(1)
   **Description:** Deduction for charitable contributions. The amount of deduction for this item may not exceed 5% of the taxpayer's net income.
   **Estimate (in millions):** $4.0
   **Data Source:** Department of Revenue 2003 C-Corp database
   **Note:** This estimate includes only contributions made to donees outside NC; see next item for deduction for donees in NC. In practice, S-corporations cannot take this deduction; their shareholders may deduct their share of charitable contributions made by the corporation through the individual income tax.

30. **Charitable Contributions Within N.C.**
   **Citation:** G.S. 105-130.9(1)-(3)
   **Description:** Deductions for contributions to the State of North Carolina, its counties and municipalities and any agency or instrumentality of these institutions, in addition to contributions made to educational institutions located in North Carolina. For companies with income allocable outside North Carolina, charitable contributions to donees inside NC may be deducted fully from taxable income allocated to North Carolina.
   **Estimate (in millions):** $6.5
   **Data Source:** Department of Revenue 2003 C-Corp database
   **Note:** Allowing companies with income allocable outside North Carolina to receive 100% deduction for contributions to NC donees (instead of their apportionment percentage) cost the State an estimated $5 million in FY2004. In practice, S-corporations cannot take this deduction; their shareholders may deduct their share of charitable contributions made by the corporation through the individual income tax.

31. **Amortization of Pollution Abatement Facilities and Equipment**
   **Citation:** G.S. 105-130.10
   **Description:** In lieu of any depreciation allowance, a corporation may opt to deduct amortization of air-cleaning devices, waste treatment facilities, recycling facilities, equipment or plant used to provide sewer service to residential and outlying areas.
   **Estimate (in millions):** Confidential – See Appendix C
   **Data Source:** Department of Revenue 2005 tax returns
32. **Amortization of Equipment Mandated by OSHA**  
**Citation:** G.S. 105-130.10A  
**Description:** In lieu of any depreciation allowance, a corporation may opt to deduct amortization of equipment mandated by the Occupational Safety and Health Act (OSHA), including the cost of planning, acquiring, constructing, modifying, and installing said equipment.

**Estimate (in millions):** Unavailable

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### Tax Credits

33. **Credit for Bank Holding Companies Related to Expenses on Nontaxed Earnings**  
**Citation:** G.S. 105-130.6A(f)  
**Description:** Credit for bank holding companies of $2 million if they are eligible for the cap in 105-130.6A(e). If a bank holding company (and its affiliated group) do not qualify for the cap, they may take a credit equal to the additional tax that would be due if the expense adjustment were 15% instead of 20%. The credit must be taken in 4 annual installments.

**Estimate (in millions):** Confidential – See Appendix C

**Data Source:** Department of Revenue 2005 tax returns

34. **Credit for Electric Power Holding Companies Related to Expenses on Nontaxed Earnings**  
**Citation:** G.S. 105-130.6A(g)  
**Description:** After calculating the adjustment for expenses related to dividends under G.S. 105-130.5(c)(3), each electric power holding company must calculate the amount of additional tax that results from the expense adjustment for the taxable year. The electric power holding company is allowed a credit for the following taxable year equal to one-half of this amount of additional tax.

**Estimate (in millions):** Confidential – See Appendix C

**Data Source:** Department of Revenue 2005 tax returns

35. **Rental Units for Handicapped Persons**  
**Citation:** G.S. 105-130.22  
**Description:** Credit for corporate owners of multifamily rental units for handicapped persons of $550 per unit constructed.

**Estimate (in millions):** less than $0.1

**Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases
36. **Equipment for Cogenerating Power Plant**  
   **Citation:** G.S. 105-130.25  
   **Description:** Credit of 10% of the costs to purchase and install electrical or mechanical equipment for a cogenerating power plant. The total amount of tax credits for all taxpayers for qualifying payments in a calendar year may not exceed $5,000,000.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases

37. **Credit for Certain Real Property Donations**  
   **Citation:** G.S. 105-130.34  
   **Description:** Credit of 25% for donations of real property for public beach access, public access to water or trails, fish and wildlife conservation, or other similar land conservation purposes. The credit may not exceed $500,000.

   **Estimate (in millions):** $1.0

   **Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases

38. **Conservation Tillage Equipment Credit**  
   **Citation:** G.S. 105-130.36  
   **Description:** Credit of 25% of the cost of conservation tillage equipment used in a farm business, including tree farming.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases

39. **Credit for Gleaned Crops**  
   **Citation:** G.S. 105-130.37  
   **Description:** Credit of 10% of the market price of the quantity of gleaned crops for companies that allow gleaning of their crop.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases

40. **Credit for Low-Income Residential Telephone Service**  
   **Citation:** G.S. 105-130.39  
   **Description:** Credit for corporation that provides local telephone service to low-income residential consumers at reduced rates. The credit is equal to the difference between what the companies actually charged these customers and the amount they would have charged at normal rates.

   **Estimate (in millions):** $5.7

   **Data Source:** Department of Revenue 2005 C-Corp and S-Corp databases
41. **Credit for Costs at N.C. Ports**  
**Citation:** G.S. 105-130.41  
**Description:** Credit for loading or unloading cargo at a State-owned port terminal at Wilmington or Morehead City.

**Estimate (in millions):** $0.6

**Data Source:** Department of Revenue 2005 tax returns

42. **Credit for S&L Supervisory Fees**  
**Citation:** G.S. 105-130.43  
**Description:** Credit for savings and loan supervisory fees assessed by the Commissioner of Banks of the Department of Commerce.

**Estimate (in millions):** $0.2

**Data Source:** Department of Revenue tax returns

43. **Credit for Poultry Composting Facility**  
**Citation:** G.S. 105-130.44  
**Description:** Credit for 25% of the installation, materials and equipment costs of constructing poultry composting facility.

**Estimate (in millions):** less than $0.1

**Data Source:** Department of Revenue 2004 C-Corp and S-Corp databases

44. **Credit for Manufacturing Cigarettes for Exportation**  
**Citation:** G.S. 105-130.45  
**Description:** Credit of up to $6,000,000 is allowed a company that exports cigarettes to a foreign country through the North Carolina State Ports. The amount of the credit depends on the volume of cigarettes exported compared to the volume in a base year.

**Estimate (in millions):** Confidential – See Appendix C

**Data Source:** Department of Revenue 2005 tax returns

45. **Alternative Cigarette Export Credit**  
**Citation:** G.S. 105-130.46  
**Description:** Credit of up to $10,000,000 is allowed a company that exports cigarettes to a foreign country through the North Carolina State Ports. The amount of the credit depends on the employment level at the company compared to the employment level in 2004.

**Estimate (in millions):** Confidential – See Appendix C

**Data Source:** Department of Revenue 2005 tax returns

**Note:** This provision sunsets January 1, 2018.
Corporation Income Tax

46. **Film Industry Production Expenses**
   **Citation:** G.S. 105-130.47
   **Description:** A film or television production company that spends at least $250,000 in North Carolina on productions during the tax year is allowed a credit equal to 15% of the qualifying expenses. A maximum credit of $7,500,000 is allowed for feature films. This credit is refundable.

   **Estimate (in millions):** $1.0

   **Data Source:** Department of Revenue 2005 tax returns

   **Note:** The credit sunsets January 1, 2010.

47. **Tax Credit for Recycling Oyster Shells**
   **Citation:** G.S. 105-130.48
   **Description:** Taxpayers are allowed a credit of $1 per bushel of oyster shells donated to the Division of Marine Fisheries of the NC Department of Environmental and Natural Resources. The credit is not refundable. Any unused credit can be carried forward for the succeeding five years. A taxpayer who claims this credit must add back to taxable income any amount deducted under the Code for the donation of oyster shells. Effective for taxable years beginning on or after January 1, 2006 and expires for taxable years beginning on or after January 1, 2011.

   **Estimate (in millions):** less than $0.1

   **Data Source:** NC Division of Marine Fisheries
Business and Energy Tax Credits (Article 3B)

The estimates for the following tax expenditures are based on reports produced by the N.C. Department of Revenue covering returns processed in 2006, most of which were tax year 2005 forms.

1. **Credit for Investing in Renewable Energy Property**
   **Citation:** G.S. 105-129.16A
   **Description:** If a taxpayer that has constructed, purchased, or leased renewable energy property places it in service in this State, the taxpayer is allowed a credit equal to 35% of the cost of the property. The credits may not exceed (1) $2,500,000 for nonresidential property, (2) $1,400 for solar energy equipment for residential water heating, (3) $3,500 for residential space heating, (4) $10,500 per installation for all other residential renewable energy property.
   **Estimate (in millions):** $0.3
   **Data Source:** Department of Revenue database
   **Note:** This provision sunsets for renewable energy property placed into service on or after January 1, 2011.

2. **Credit for Non-Hazardous Dry-Cleaning Equipment**
   **Citation:** G.S. 105-129.16C
   **Description:** If a taxpayer that has purchased or leased qualified dry-cleaning equipment places it in service in this State for commercial purposes, the taxpayer is allowed a credit equal to 20% of the cost of the equipment.
   **Estimate (in millions):** less than $0.1
   **Data Source:** Department of Revenue database

3. **Credit for Renewable Fuel Dispensing Facilities**
   **Citation:** G.S. 105-129.16D(a)
   **Description:** A taxpayer that constructs and installs and places in service in this State a qualified commercial facility for dispensing renewable fuel is allowed a credit equal to 15% of the cost of the dispensing facility. This credit must be taken in 3 annual installments.
   **Estimate (in millions):** Unavailable
4. **Credit for Constructing Renewable Fuel Facilities**  
   **Citation:** G.S. 105-129.16D(b)  
   **Description:** A taxpayer that constructs and places in service in this State a qualified commercial facility for dispensing renewable fuel is allowed a credit equal to 25% of the cost to the taxpayer of constructing and installing the part of the dispensing facility, including pumps, storage tanks, and related equipment, that is directly and exclusively used for dispensing or storing renewable fuel. The credit must be taken in 3 annual installments.  
   **Estimate (in millions):** Unavailable  
   **Data Source:** Department of Revenue database; NC Legislative Fiscal Note for HB 1636(2004)  
   **Note:** This provision sunsets for facilities placed into service on or after January 1, 2011.

5. **Alternate Credit for Constructing Renewable Fuel Facilities**  
   **Citation:** G.S. 105-129.16D(b1)  
   **Description:** A taxpayer that invests at least $400,000,000 to construct and place in service in this State three or more commercial facilities for processing renewable fuel may receive a credit of 35% of the cost of constructing and equipping the facilities. The tax credit is taken in 7 equal installments and unused credits may be carried forward for 10 years.  
   **Estimate (in millions):** Unavailable

6. **Small Business Health Insurance Tax Credit**  
   **Citation:** G.S. 105-129.16E  
   **Description:** Effective January 1, 2007, a small business (a business that employs no more than 25 eligible employees throughout the taxable year) that provides health benefits for all of its eligible employees during the taxable year is allowed a credit to offset its costs in providing these benefits. The credit is equal to a $250 per employee whose annual wages or salary from the business does not exceed $40,000.  
   **Estimate (in millions):** $19.5  
   **Data Source:** NC Legislative Fiscal Notes for HB 20 and SB 364 (2005-06 Session); 2004 Medical Expenditure Panel Survey-Insurance Component, US Dept. of Health and Human Services; Kaiser Family Foundation/Health Research and Educational Trust 2005 Annual Employer Health Benefits Survey.  
   **Note:** This provision sunsets January 1, 2009.
7. **Tax Credit to Refund Motor Fuel Excise Tax for Biodiesel**  
   **Citation:** G.S. 105-129.16F  
   **Description:** Effective January 1, 2008, a biodiesel provider that produces at least 100,000 gallons of biodiesel per year may receive a credit equal to the per gallon excise tax paid under Article 36C of Chapter 105. The credit does not apply to tax paid on diesel fuel included in a biodiesel blend. The maximum credit is $500,000.  
   **Estimate (in millions):** $0.1  
   **Data Source:** According to the National Biodiesel Board, there are 7 current or prospective Biodiesel producers in North Carolina  
   **Note:** The estimate assumes reduced estimated tax payments for the period through June 30, 2008. It is assumed that 1 million gallons of pure biodiesel fuel will be purchased from NC taxpayers in 2008, not including government purchases that are exempt from the motor fuels tax. This provision sunsets January 1, 2010.

8. **Work Opportunity Tax Credit**  
   **Citation:** G.S. 105-129.16G  
   **Description:** Effective for tax years beginning January 1, 2007, a taxpayer who is allowed a federal tax credit under Part IV, Subpart F of the Code for the taxable year is allowed a credit against the tax imposed by this Part. The credit is equal to six percent (6%) of the amount of credit allowed under the Code.  
   **Estimate (in millions):** $6.0  
   **Data Source:** Department of Revenue tax return sample for 2005; IRS data on size of federal credit and industries most affected; Congressional Budget Office estimate of credit amounts in 2008  
   **Note:** The wages pertaining to this credit were previously deductible from NC taxable income under G.S. 105-130.5(b)(11) and G.S. 105-134.6(d)(2). The elimination of this deduction has been netted out of the estimate.

9. **Credit for Donations to a Nonprofit to Acquire Renewable Energy Property**  
   **Citation:** G.S. 105-129.16G  
   **Description:** Effective for tax years beginning January 1, 2008, a taxpayer who donates money to a tax-exempt organization may claim a tax credit equivalent to that given under G.S. 105-129.16A. The donation cannot be deducted as a charitable donation from the taxable income of the taxpayer.  
   **Estimate (in millions):** $0.5  
   **Data Source:** 2007 Legislative budget bill
1. **Credit for Investing in Large or Major Recycling Facility**  
   **Citation:** G.S. 105-129.27  
   **Description:** An owner that purchases or leases machinery and equipment for a major or large recycling facility in this State is allowed a credit equal to 50% or 20%, respectively, of the amount payable by the owner during the taxable year to purchase or lease the machinery and equipment.

   **Estimate (in millions):** Confidential – See Appendix C

   **Data Source:** Department of Revenue database

2. **Credit for Reinvestment**  
   **Citation:** G.S. 105-129.28  
   **Description:** A major recycling facility that is accessible by neither ocean barge nor ship and that transports materials to the facility or products away from the facility is allowed a credit against the income tax equal to its additional transportation and transloading expenses incurred due to its inability to use ocean barges or ships. The credit is capped at $10.4 million for taxable years 2004-07 and is refundable.

   **Estimate (in millions):** Confidential – See Appendix C

   **Data Source:** Department of Revenue database

   **Note:** This provision sunsets January 1, 2008.
Historic Rehabilitation Tax Credits (Article 3D)

1. **Credit for Rehabilitating Income-Producing Historic Structure**  
   **Citation:** G.S. 105-129.35  
   **Description:** A taxpayer who is allowed a federal income tax credit under Section 47 of the Code for making qualified rehabilitation expenditures for a certified historic structure located in this State is allowed a credit equal to 20% of the expenditures that qualify for the federal credit. The tax credit is 40% if the certified historic structure is a facility that at one time served as a State training school for juvenile offenders.

   **Estimate (in millions):** $2.5

   **Data Source:** Department of Revenue database

   **Note:** G.S. 105-129.71 provides more generous credits if the historic structure is a mill or agricultural warehouse.

2. **Credit for Rehabilitating Nonincome-Producing Historic Structure**  
   **Citation:** G.S. 105-129.36  
   **Description:** A taxpayer who is not allowed a federal income tax credit under Section 47 of the Code and who makes rehabilitation expenses for a State-certified historic structure located in this State is allowed a credit equal to 30% of the rehabilitation expenses. The tax credit is 40% if the certified historic structure is a facility that at one time served as a State training school for juvenile offenders. To qualify for the credit, the taxpayer's expenses must exceed $25,000 within a 24-month period.

   **Estimate (in millions):** $4.0

   **Data Source:** Department of Revenue database

   **Note:** G.S. 105-129.72 provides more generous credits if the historic structure is a mill or agricultural warehouse and the site is located in Development Tier 1 or 2 areas.
Low-Income Housing Tax Credits (Article 3E)

1. **Credit for Low-Income Housing Awarded a Federal Credit Allocation before Jan. 1, 2003**
   
   **Citation:** G.S. 105-129.41
   
   **Description:** A taxpayer that is allowed a federal income tax credit for low-income housing under Section 42 of the Code with respect to a qualified North Carolina low-income building is allowed a credit equal to a percentage of the federal credit.
   
   **Estimate (in millions):** included in next item

2. **Credit for Low-Income Housing Awarded a Federal Credit Allocation on or after Jan. 1, 2003**
   
   **Citation:** G.S. 105-129.42
   
   **Description:** A taxpayer that is allowed a federal income tax credit for low-income housing under Section 42 of the Code to construct or substantially rehabilitate a qualified North Carolina low-income housing development is allowed a credit equal to a percentage of the development's qualified basis. The percentage varies from 10% to 30%, depending on (1) the percentage of residential units that are affordable to low-income groups and (2) the income of the county or city where the housing is located. This credit is refundable.
   
   **Estimate (in millions):** $40.0

   **Data Source:** Department of Revenue database

   **Note:** This provision sunsets January 1, 2010.
Research and Development Tax Credits (Article 3F)

1. **Credit for North Carolina Research and Development**
   **Citation:** G.S. 105-129.55(a)
   **Description:** A taxpayer that has qualified North Carolina research expenses for the taxable year is allowed a credit equal to a percentage of the expenses, determined by the following conditions: (1) if the taxpayer is a small business, the applicable percentage is 3%; (2) for expenses with respect to research performed in an enterprise tier one, two, or three area, the percentage is 3.25%; (3) for expenses not covered under (1) or (2), the credit is 1.25% of expenses up to $50 million, 2.25% of additional expenses up to $200 million, and 3.25% of additional expenses above $200 million.

   **Estimate (in millions):** $28.5

   **Data Source:** Department of Revenue database; 2007 Legislative budget bill

   **Note:** The credit percentages were increased by .25 percentage points, effective Jan. 1, 2007.

2. **Credit for NC University Research Expenses**
   **Citation:** G.S. 105-129.55(b)
   **Description:** A taxpayer that has NC university research expenses for the taxable year is allowed a credit equal to 20% of the expenses.

   **Estimate (in millions):** included in item #1

   **Note:** The credit percentages were increased from 15% to 20%, effective Jan. 1, 2007.
Tax Incentives for Major Computer Manufacturing Facilities (Article 3G)

1. Tax Incentives for Major Computer Manufacturing Facilities
   Citation:  G.S. 105-129.64
   Description:  A taxpayer that is expected to add at least 1,200 employees within five years to a computer manufacturing and distribution facility and invests, directly or indirectly, $100 million in constructing the facility is eligible for a credit against its franchise and income taxes. For taxable years beginning in 2006, the amount of the credit is determined based on the levels of employment and production at the facility. For taxable years 2006 through 2009, the maximum credit is $10 million per year.

   Estimate (in millions):  $10.0

   Data Source:  NC Legislative Fiscal Note for SB 2 (2004 Extra Session)

   Note:  Effective for tax years beginning on or after January 1, 2005.
Mill Rehabilitation Tax Credit (Article 3H)

1. Credit for Income-Producing Rehabilitated Mill Property
   Citation: G.S. 105-129.71
   Description: A taxpayer who makes qualified rehabilitation expenditures for a certified historic mill or agricultural warehouse located in this State is allowed a credit equal to 40% of the expenditures if the building is located in a Development Tier 1 or 2 area or 30% if the building is located in a Development Tier 3 area. A certificate from the State Historic Preservation Officer must be obtained which shows that the expenditures either qualified for a Federal rehabilitation credit under section 47 of the Code or that the expenses exceeded $3,000,000.

   Estimate (in millions): $11.6

   Data Source: NC Legislative Fiscal Note for HB 474 (2005-06 Session)

   Note: This provision sunsets January 1, 2011.

2. Credit for Nonincome-Producing Rehabilitated Mill Property
   Citation: G.S. 105-129.72
   Description: A taxpayer who makes qualified rehabilitation expenditures for a certified historic mill or agricultural warehouse located in this State is allowed a credit equal to 40% of the expenditures if the building is located in a Development Tier 1 or 2 area. A certificate from the State Historic Preservation Officer must be obtained which shows that the expenditures either qualified for a Federal rehabilitation credit under section 47 of the Code or that the expenses exceeded $3,000,000.

   Estimate (in millions): included above

   Note: This provision sunsets January 1, 2011.
Tax Credits for Growing Businesses

**Tax Credits for Growing Businesses (Article 3J)**

The tax credits under this section are effective beginning January 1, 2007. The companies that qualify for these credits must meet certain eligibility requirements as laid out in G.S. 105-129.83.

1. **Credit for Creating Jobs**
   
   **Citation:** G.S. 105-129.87
   
   **Description:** Effective for tax years beginning on or after Jan. 1, 2007. A taxpayer that meets certain eligibility requirements for new job creation is allowed a credit for creating jobs. The amount of the credit is dependent on the development tier of the county in which the jobs are located.
   
   **Estimate (in millions):** $19.0
   
   **Data Source:** Department of Revenue data and Legislative Fiscal Note
   
   **Note:** The estimate includes tax credits taken under the Bill Lee Act which this provision replaces.

2. **Credit for Investing in Business Property**
   
   **Citation:** G.S. 105-129.88
   
   **Description:** Effective for tax years beginning on or after Jan. 1, 2007. A taxpayer that meets certain eligibility requirements for placing business property in service in this State is allowed a credit. The amount of the credit is dependent on the development tier of the county in which the property is located.
   
   **Estimate (in millions):** $50.0
   
   **Data Source:** Department of Revenue data and Legislative Fiscal Note
   
   **Note:** The estimate includes tax credits taken under the Bill Lee Act which this provision replaces.

3. **Credit for Investing in Real Property**
   
   **Citation:** G.S. 105-129.89
   
   **Description:** Effective for tax years beginning on or after Jan. 1, 2007. A taxpayer that meets certain eligibility requirements for purchasing or leasing real property in this State is allowed a credit. The credit is equal to 30% of the eligible investment amount. The credit is only applicable for investments in a development tier 1 area.
   
   **Estimate (in millions):** less than $0.1
   
   **Data Source:** Department of Revenue data and Legislative Fiscal Note
   
   **Note:** The estimate includes tax credits taken under the Bill Lee Act which this provision replaces.
Tax Incentives for Railroad Intermodal Facilities (Article 3K)

1. Credit for Constructing a Railroad Intermodal Facility  
   Citation: G.S. 105-129.96  
   Description: A taxpayer that constructs or leases an eligible railroad intermodal facility in this State and places it in service during the taxable year is allowed a tax credit equal to fifty percent (50%) of all amounts payable by the taxpayer towards the costs of construction or under the lease. The credit may not exceed fifty percent (50%) of the tax against which it is applied. Any unused portion of a credit may be carried forward for the succeeding 10 years.

   Estimate (in millions): $0.2

   Data Source: 2007 Legislative budget bill

   Note: The estimate includes the sales & use tax exemption in G.S. 105-164.13(56).
Individual Income Tax

Individual Income Tax (Article 4, Part 2)

Brief Description and Tax Base Information

The individual income tax is the largest component of the State’s general revenues. In fiscal year 2006-07, the State collected over $10.6 billion from this tax.

For taxable years beginning January 1, 2007, there are four marginal tax rates: 6%, 7%, 7.75% and 8%. The highest tax rate was 8.25% for taxable years beginning prior to January 1, 2007. This rate is scheduled to expire beginning with the 2008 tax year. Tax brackets vary by marital status and by whether an individual is either (1) the head of a household, (2) elderly, or (3) blind.

The base of the individual income tax is federal taxable income. This implies that all federal tax deductions are passed on to the state. However, certain provisions have been “decoupled” from the federal Code. Specifically, the amounts of the personal deduction and exemptions allowable on North Carolina income are not adjusted for inflation, unlike the federal levels.

Deductions and tax credits estimated in this report do not include the tax deductions available via the federal Code, such as the standard deduction and personal exemptions, deductions for mortgage interest payments, charitable deductions for itemizers, etc.
Table 5

Individual Income Tax Expenditure Estimates for FY 2007-08

<table>
<thead>
<tr>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 Estimate (millions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>158</td>
<td>Certain Individuals Upon Death</td>
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<tr>
<td>2</td>
<td>134.6(b)(1)</td>
<td>U.S. and N.C. Obligation Interest</td>
<td>32.5</td>
</tr>
<tr>
<td>3</td>
<td>134.6(b)(2)</td>
<td>Disposition of Certain Obligations</td>
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<td>4</td>
<td>134.6(b)(3)</td>
<td>Social Security Benefits in Excess of Federal Limit</td>
<td>279.5</td>
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<tr>
<td>5</td>
<td>134.6(b)(5b)</td>
<td>Government Retirement Income under Bailey Settlement</td>
<td>335.3</td>
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<tr>
<td>6</td>
<td>134.6(b)(6)</td>
<td>Private Retirement Plans and Government Pensions</td>
<td>65.0</td>
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<td>7</td>
<td>134.6(b)(10)</td>
<td>Basis Adjustment for Disposed Property</td>
<td>Unavailable</td>
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<tr>
<td>8</td>
<td>134.6(b)(11)</td>
<td>Severance Wages</td>
<td>13.5</td>
</tr>
<tr>
<td>9</td>
<td>134.6(b)(14)</td>
<td>Erroneous Conviction and Imprisonment</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>10</td>
<td>134.6(b)(15)</td>
<td>Interest Earned on Certain Trusts</td>
<td>less than 0.1</td>
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<tr>
<td>11</td>
<td>134.6(b)(16)</td>
<td>Hurricane Floyd Reserve Fund</td>
<td>less than 0.1</td>
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<tr>
<td>12</td>
<td>134.6(b)(18)</td>
<td>Disaster Relief Reserve Payments</td>
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</tr>
<tr>
<td>13</td>
<td>134.6(c)(4a)</td>
<td>Higher Personal Exemption for Low and Middle-Income Taxpayers</td>
<td>224.5</td>
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<td>14</td>
<td>134.6(d)(4)</td>
<td>Parental Savings Trust Fund Deduction</td>
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<td>15</td>
<td>134.6(d)(6)</td>
<td>Volunteer Fire and Rescue Squad Deduction</td>
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<tr>
<td>16</td>
<td>134.7(a)(4)</td>
<td>Net Economic Losses Incurred Prior to January 1, 1989</td>
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<tr>
<td>17</td>
<td>151.1</td>
<td>Construction of Dwellings for Handicapped Persons</td>
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<tr>
<td>18</td>
<td>151.3</td>
<td>Tax Credit for Recycling Oyster Shells</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>Item</td>
<td>Citation</td>
<td>Short Title</td>
<td>FY08 Estimate (millions of dollars)</td>
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<tr>
<td>19</td>
<td>151.11</td>
<td>Credit for Child Care and Certain Employment-Related Expenses</td>
<td>57.7</td>
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<tr>
<td>20</td>
<td>151.12</td>
<td>Credit for Certain Real Property Donations</td>
<td>18.3</td>
</tr>
<tr>
<td>21</td>
<td>151.13</td>
<td>Credit for Conservation Tillage Equipment</td>
<td>0.1</td>
</tr>
<tr>
<td>22</td>
<td>151.14</td>
<td>Credit for Gleaned Crops</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>23</td>
<td>151.18</td>
<td>Credit for the Disabled</td>
<td>1.5</td>
</tr>
<tr>
<td>24</td>
<td>151.21</td>
<td>Credit for Property Taxes Paid on Farm Machinery</td>
<td>1.5</td>
</tr>
<tr>
<td>25</td>
<td>151.22</td>
<td>Use of North Carolina Ports</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>26</td>
<td>151.24</td>
<td>Credit for Children</td>
<td>153.6</td>
</tr>
<tr>
<td>27</td>
<td>151.25</td>
<td>Construction of Poultry Composting Facility</td>
<td>less than 0.1</td>
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<tr>
<td>28</td>
<td>151.26</td>
<td>Charitable Contributions by Nonitemizers</td>
<td>30.4</td>
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<td>29</td>
<td>151.28</td>
<td>Long-Term Care Credit</td>
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</tr>
<tr>
<td>30</td>
<td>151.29</td>
<td>Film Industry Production Expenses</td>
<td>included in Corporate income tax item #46</td>
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<tr>
<td>31</td>
<td>151.31</td>
<td>Earned Income Tax Credit</td>
<td>48.3</td>
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<tr>
<td>32</td>
<td>151.32</td>
<td>Credit for Adoption Expenses</td>
<td>3.2</td>
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<tr>
<td>33</td>
<td>159.1</td>
<td>Political Parties Financing Fund Designation</td>
<td>2.0</td>
</tr>
<tr>
<td>34</td>
<td>159.2</td>
<td>Public Campaign Fund Designation</td>
<td>1.2</td>
</tr>
<tr>
<td>35</td>
<td>163.011</td>
<td>Credit for Qualified Business Investments</td>
<td>7.0</td>
</tr>
<tr>
<td>36</td>
<td></td>
<td>Carry-Over Provisions</td>
<td>20.2</td>
</tr>
</tbody>
</table>
Exemptions

1. Certain Individuals Upon Death
   Citation: G.S. 105-158
   Description: Certain armed forces personnel and other individuals upon death are exempt from taxation.

   Estimate (in millions): less than $0.1

   Data Source: Number of military deaths from Department of Defense

Deductions

2. U.S. and N.C. Obligation Interest
   Citation: G.S. 105-134.6(b)(1)
   Description: Deduction for interest on obligations of U.S., North Carolina, and nonprofit educational institutions.

   Estimate (in millions): $32.5

   Data Source: Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

   Note: Although not separately stated, the deductible amount for interest on State and local obligations would likely be less than $1 million.

3. Disposition of Certain Obligations
   Citation: G.S. 105-134.6(b)(2)
   Description: Deduction for gain from disposition of obligations issued before July 1, 1995, to the extent exempt from tax.

   Estimate (in millions): less than $0.1

   Data Source: Department of Revenue 2003 Individual Income Tax database

   Citation: G.S. 105-134.6(b)(3)
   Description: Deduction for benefits received under Title II of the Social Security Act and amounts received from retirement annuities or pensions paid under the provisions of the Railroad Retirement Act of 1937.

   Estimate (in millions): $279.5

   Data Source: Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)
Individual Income Tax

5. **Government Retirement Income under Bailey Settlement**
   **Citation:** G.S. 105-134.6(b)(5b)
   **Description:** Exemption for State, local or federal government retirement plans to the extent the amount is exempt pursuant to a court order in settlement of Bailey v. State and Patton v. State.

   **Estimate (in millions):** $335.3

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

6. **Private Retirement Plans and Government Pensions**
   **Citation:** G.S. 105-134.6(b)(6)
   **Description:** Deduction for private retirement plans up to $2,000 or a State, local or federal government pension up to $4,000.

   **Estimate (in millions):** $65.0

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

7. **Basis Adjustment for Disposed Property**
   **Citation:** G.S. 105-134.6(b)(10)
   **Description:** Deduction for the amount that the basis of property disposed of exceeds the federal basis.

   **Estimate (in millions):** Unavailable

8. **Severance Wages**
   **Citation:** G.S. 105-134.6(b)(11)
   **Description:** Deduction for severance wages received from an employer as the result of the taxpayer's permanent termination from employment through no fault of their own. The amount of wages deducted may not exceed $35,000 for any one termination.

   **Estimate (in millions):** $13.5

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

9. **Erroneous Conviction and Imprisonment**
   **Citation:** G.S. 105-134.6(b)(14)
   **Description:** Deduction for the amount paid to the taxpayer under G.S. 148-84 for erroneous conviction and imprisonment.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Industrial Commission of the North Carolina Department of Commerce
10. **Interest Earned on Certain Trusts**  
**Citation:** G.S. 105-134.6(b)(15)  
**Description:** Deduction for interest earned on a Trust established by two or more manufacturers to pay for damages.  

**Estimate (in millions):** less than $0.1  
**Data Source:** Department of Revenue 2003 Individual Income Tax database

11. **Hurricane Floyd Reserve Fund**  
**Citation:** G.S. 105-134.6(b)(16)  
**Description:** Deduction for amount paid from Hurricane Floyd Reserve Fund.  

**Estimate (in millions):** less than $0.1  
**Data Source:** N.C. Office of Budget and Management

12. **Disaster Relief Reserve Payments**  
**Citation:** G.S. 105-134.6(b)(18)  
**Description:** Deduction for amounts paid to taxpayers for hurricane relief from the Disaster Relief Reserve Fund, not to include amounts paid for goods and services provided.  

**Estimate (in millions):** $0  
**Data Source:** Legislative fiscal note

**Note:** Eligible expenses only involved payments for crops destroyed by hurricanes in 2004.

13. **Higher Personal Exemption for Low and Middle-Income Taxpayers**  
**Citation:** G.S. 105-134.6(c)(4a)  
**Description:** The amount of add-back to the federal standard exemption amounts is reduced by $500 for each personal exemption if the taxpayer's federal AGI is less than certain limits: $60,000 for single filers; $100,000 for married filers, filing jointly; $80,000 for head-of-household filers; $50,000 for married filers, filing separately.  

**Estimate (in millions):** $224.5  
**Data Source:** BearingPoint income tax model; Department of Revenue Individual Income Tax databases for 2002 through 2004

**Note:** The income tax model incorporates into the estimate the effect of the reduced taking of tax credits (such as the child tax credit). Even with this deduction, the exemption amount for low and middle-income households is still less than the Federal exemption amount. The Federal tax increases the exemption amount yearly, based on inflation. North Carolina has kept the same exemption level since 1996.
14. **Parental Savings Trust Fund Deduction**  
   **Citation:** G.S. 105-134.6(d)(4)  
   **Description:** A taxpayer may deduct from taxable income the amount contributed to an account in the Parental Savings Trust Fund of the State Education Assistance Authority. The maximum deduction is $750 ($1,500 for joint filers) for tax year 2006 and $2,500 ($5,000 for joint filers) thereafter.  
   **Estimate (in millions):** $4.3  
   **Data Source:** College Savings Plan Network website; NC Department of Revenue database; survey by Investment Company Institute, Fall 2003  
   **Note:** Contributions to 529 plans or qualified tuition plans (QTPs) set up in other states are not deductible. Certain AGI limits apply in tax year 2006 and tax years beginning in 2012.

15. **Volunteer Fire and Rescue Squad Deduction**  
   **Citation:** G.S. 105-134.6(d)(6)  
   **Description:** Effective for taxable years beginning on or after January 1, 2007, a taxpayer who is an eligible volunteer firefighter or an eligible volunteer rescue worker may deduct $250.  
   **Estimate (in millions):** $1.0  
   **Data Source:** 2007 Legislative budget

16. **Net Economic Losses Incurred Prior to January 1, 1989**  
   **Citation:** G.S. 105-134.7(a)(4)  
   **Description:** Deductions for net economic losses in the 5 years preceding Tax Year 1989, arising from business transactions, business capital, or business property.  
   **Estimate (in millions):** $0  
   **Data Source:** Department of Revenue 2003 Individual Income Tax database  
   **Note:** When Federal Taxable Income was adopted as the basis for N.C. income tax in 1989, the Federal provisions allowing net operating losses were passed through to the State income tax.
Tax Credits

17. **Construction of Dwellings for Handicapped Persons**
   **Citation:** G.S. 105-151.1  
   **Description:** An owner of multifamily rental units located in this State is allowed a credit against income tax equal to $550 for each dwelling unit constructed that conforms to Volume I-C of the NC Building Code.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue 2004 and 2003 tax returns

18. **Tax Credit for Recycling Oyster Shells**
   **Citation:** G.S. 105-151.3  
   **Description:** Taxpayers are allowed a credit of $1 per bushel of oyster shells donated to the Division of Marine Fisheries of the NC Department of Environmental and Natural Resources. The credit is not refundable. Any unused credit can be carried forward for the succeeding five years. A taxpayer who claims this credit must add back to taxable income any amount deducted under the Code for the donation of oyster shells. Effective for taxable years beginning on or after January 1, 2006 and expires for taxable years beginning on or after January 1, 2011.

   **Estimate (in millions):** less than $0.1

   **Data Source:** NC Division of Marine Fisheries

19. **Credit for Child Care and Certain Employment-Related Expenses**
   **Citation:** G.S. 105-151.11  
   **Description:** A person who is allowed a credit against federal income tax for a percentage of employment-related expenses under Section 21 of the Code shall be allowed a proportional credit on State income taxes. The amount of expenses for which a credit is claimed may not exceed $3,000 for one qualifying household member or $6,000 for multiple qualifying members. Prior to 2006, the expense limits were $2,400 for one qualifying member and $4,800 for multiple qualifying members.

   **Estimate (in millions):** $57.7

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)
Individual Income Tax

20. **Credit for Certain Real Property Donations**
   **Citation:** G.S. 105-151.12
   **Description:** Credit of 25% for donations of real property for public beach access, public access to water or trails, fish and wildlife conservation, or other similar land conservation purposes. The credit may not exceed $250,000 ($500,000 for qualified married couple). For donations by pass-throughs, the total credit to owners may not exceed $500,000 (for tax years beginning January 1, 2007).

   **Estimate (in millions):** $18.3

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

21. **Credit for Conservation Tillage Equipment**
   **Citation:** G.S. 105-151.13
   **Description:** Credit for conservation tillage equipment.

   **Estimate (in millions):** $0.1

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

22. **Credit for Gleaned Crops**
   **Citation:** G.S. 105-151.14
   **Description:** A credit of 10% of the market price of unharvested crops donated by the grower to a qualified organization. Any unused credit may be carried forward for the succeeding five years.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

23. **Credit for the Disabled**
   **Citation:** G.S. 105-151.18
   **Description:** A taxpayer who (1) is retired on disability, (2) at the time of retirement was totally and permanently disabled, and (3) claims a federal income tax credit for the elderly and disabled for the taxable year is allowed a credit equal to 1/3 of the amount of the federal credit. A credit is also available for a disabled dependent.

   **Estimate (in millions):** $1.5

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)
24. **Credit for Property Taxes Paid on Farm Machinery**  
   **Citation:** G.S. 105-151.21  
   **Description:** A credit is allowed to individual farmers and individual shareholders of S Corporations engaged in farming equal to the amount of property taxes paid on farm machinery, or attachments and repair parts for farm machinery. This credit is not to exceed $1,000 and may not be carried forward.

   **Estimate (in millions):** $1.5

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

25. **Use of North Carolina Ports**  
   **Citation:** G.S. 105-151.22  
   **Description:** A credit is allowed to individuals utilizing North Carolina ports in either Wilmington or Morehead City equal to the excess of current year charges paid on exported, processed cargo over the year. This credit may not exceed 50% of tax due less all other credits. The cumulative amount of credit cannot exceed $100,000.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

26. **Credit for Children**  
   **Citation:** G.S. 105-151.24  
   **Description:** An individual who is allowed a federal child tax credit under Section 24 of the Code (qualifying children must be under the age of 17 at the end of the calendar year) and whose adjusted gross income (AGI) is less than a specified amount ($100,000 for married filers, filing jointly; $80,000 for heads of households; $60,000 for single filers; $50,000 for married filers, filing separately) is allowed a credit of $100 for each dependent child. The credit cannot exceed the individual's tax liability for the year reduced by all other credits.

   **Estimate (in millions):** $153.6

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

   **Note:** The credit prior to January 1, 2004 was $75 per dependent.
Individual Income Tax

27. **Construction of Poultry Composting Facility**
   **Citation:** G.S. 105-151.25
   **Description:** A taxpayer who constructs in this State a poultry composting facility is allowed a credit of 25% of the installation, materials, and equipment costs of construction paid during the year. This credit may not exceed $1,000 for any single installation.

   **Estimate (in millions):** less than $0.1

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

28. **Charitable Contributions by Nonitemizers**
   **Citation:** G.S. 105-151.26
   **Description:** A taxpayer who elects the standard deduction on their Federal income tax is allowed a credit of 7% of the taxpayer's excess charitable contributions. Excess contributions are those over 2% of the taxpayer's federal adjusted gross income.

   **Estimate (in millions):** $30.4

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

29. **Long-Term Care Credit**
   **Citation:** G.S. 105-151.28
   **Description:** A taxpayer whose adjusted gross income, as calculated under the Code, is less than certain amounts ($100,000 for married, filing jointly; $80,000 for head of household; $60,000 for single; $50,000 for married, filing separately) is allowed a credit equal to 15% of the premiums paid on a long-term care insurance contract for themselves, spouse, or qualified dependent. The credit for each contract may not exceed $350. This provision is effective for tax years beginning January 1, 2007.

   **Estimate (in millions):** $7.0

   **Data Source:** 2007 Legislative budget bill

   **Note:** This provision sunsets January 1, 2013.
30. **Film Industry Production Expenses**  
   **Citation:** G.S. 105-151.29  
   **Description:** A film or television production company that spends at least $250,000 in North Carolina on productions during the tax year is allowed a credit equal to 15% of the qualifying expenses.

   **Estimate (in millions):** included in Corporate income tax item #46

   **Data Source:** Fiscal Research Division fiscal note based on Department of Commerce data on expenses of film companies

31. **Earned Income Tax Credit**  
   **Citation:** G.S. 105-151.31  
   **Description:** Taxpayers are allowed a refundable credit equal to 3.5% of their Federal EIC. This is effective for tax years beginning January 1, 2008.

   **Estimate (in millions):** $48.3

   **Data Source:** 2007 Legislative budget bill IRS data for North Carolina filers in Tax Year 2005

   **Note:** This provision sunsets January 1, 2013.

32. **Credit for Adoption Expenses**  
   **Citation:** G.S. 105-151.32  
   **Description:** Taxpayers are allowed a credit equal to 50% of their Federal credit for adoption expenses. This is effective for tax years beginning January 1, 2007.

   **Estimate (in millions):** $3.2

   **Data Source:** IRS data for Tax Year 2005

   **Note:** This provision sunsets January 1, 2013.

33. **Political Parties Financing Fund Designation**  
   **Citation:** G.S. 105-159.1  
   **Description:** An individual whose income tax liability is $3.00 or more may designate $3.00 of the tax shall be credited to the North Carolina Political Parties Financing Fund for the use of the political party designated by the taxpayer. Couples who are filing a joint return may designate $3.00 each if their tax liability is at least $6.00.

   **Estimate (in millions):** $2.0

   **Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

   **Note:** The amount taxpayers could designate was $1.00 ($2.00 for married couples filing jointly) prior to 2006.
34. **Public Campaign Fund Designation**  
**Citation:** G.S. 105-159.2  
**Description:** An individual whose income tax liability is $3.00 or more may designate $3.00 of the tax shall be credited to the North Carolina Public Campaign Fund for voter materials related to the election of N.C. Supreme Court judges. Couples who are filing a joint return may designate $3.00 each if their tax liability is at least $6.00.  

**Estimate (in millions):** $1.2

**Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

35. **Credit for Qualified Business Investments**  
**Citation:** G.S. 105-163.011  
**Description:** A credit is allowed to individuals investing in the equity securities or subordinated debt of a North Carolina Enterprise Corporation, a limited partnership in which a North Carolina Enterprise Corporation is the only general partner, a qualified business venture, a qualified grantee business, or a qualified investment organization, equal to 25% of the amount invested or $50,000, whichever is less. Unused credits may be carried forward for five years. The total amount of all tax credits allowed to taxpayers may not exceed $7,000,000.  

**Estimate (in millions):** $7.0

**Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)

**Note:** The cap on total tax credits claimed for investments made prior to 2004 was $6,000,000. This provision sunsets January 1, 2011.
Table 6

Carry-Over Provisions for NC Individual Income Tax

<table>
<thead>
<tr>
<th>Description of tax credit</th>
<th>Length of carry forwards</th>
<th>Other conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credit for construction of dwelling units for handicapped persons</td>
<td>1 year</td>
<td></td>
</tr>
<tr>
<td>Credit for child care and certain employment-related expenses</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Credit for certain real property donations</td>
<td>5 years</td>
<td></td>
</tr>
<tr>
<td>Credit for conservation tillage equipment</td>
<td>5 years</td>
<td></td>
</tr>
<tr>
<td>Credit for gleaned crops</td>
<td>5 years</td>
<td></td>
</tr>
<tr>
<td>Credit for the disabled</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Credit or partial refund for tax paid on certain federal retirement benefits</td>
<td>2 years</td>
<td></td>
</tr>
<tr>
<td>Credit for property taxes paid on farm machinery</td>
<td>none</td>
<td>Maximum credit = $1,000</td>
</tr>
<tr>
<td>Credit for North Carolina State Ports Authority</td>
<td>5 years</td>
<td>Cannot exceed 50% of tax liability; maximum=$2 million</td>
</tr>
<tr>
<td>Credit for children</td>
<td>none</td>
<td></td>
</tr>
<tr>
<td>Credit for construction of a poultry composting facility</td>
<td>none</td>
<td>Maximum=$1,000 per facility</td>
</tr>
<tr>
<td>Credit for charitable contributions by non-itemizers</td>
<td>none</td>
<td></td>
</tr>
</tbody>
</table>


**Description:** Various individual income tax credits may be carried forward.

**Estimate (in millions):** $20.2

**Data Source:** Department of Revenue Individual Income Tax database (Tax Year 2005 is latest available)
Sales and Use Tax

**Sales and Use Tax (Article 5)**

**Tax Base Information**

The sales tax in North Carolina is imposed on retail sales (including the value of leases and rentals) of tangible property occurring in the State and the use tax is imposed on purchases made outside the State if the property purchased is used in the State. Under current law, the tax rate is 4.25% as of December 1, 2006.

In addition to retail sales, the sales and use tax is imposed on several services, such as accommodation rentals, restaurants, and laundry and dry-cleaning services.

The sales tax rate on telecommunication services and spirituous liquor is 6.75%.

For Fiscal Year 2006-07, sales and use net tax receipts to the General Fund were approximately $5.0 billion.
# Sales and Use Tax

## Table 7

FY08 N.C. Sales and Use Tax Expenditure Estimates

<table>
<thead>
<tr>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 Estimate (millions of dollars)</th>
</tr>
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<tbody>
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<td>164.13(1) and (1a)</td>
<td>Items Sold to Farmers</td>
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<tr>
<td>2</td>
<td>164.13(2a)a</td>
<td>Feeds, Litter and Medications for Farming</td>
<td>85.2</td>
</tr>
<tr>
<td>3</td>
<td>164.13(2a)b</td>
<td>Pesticides, Rodenticides and Related Products for Farming</td>
<td>8.9</td>
</tr>
<tr>
<td>4</td>
<td>164.13(2a)c</td>
<td>Defoliants for Commercial Use</td>
<td>included in item #3</td>
</tr>
<tr>
<td>5</td>
<td>164.13(2a)d</td>
<td>Plant Growth Inhibitors</td>
<td>included in item #3</td>
</tr>
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<td>6</td>
<td>164.13(2a)e</td>
<td>Semen for Artificial Insemination</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>7</td>
<td>164.13(3)</td>
<td>Certain Products of Forests and Mines by Producers</td>
<td>Unavailable</td>
</tr>
<tr>
<td>8</td>
<td>164.13(4b)</td>
<td>Farm Products Requiring Ice Preservation For Further Sale</td>
<td>Unavailable</td>
</tr>
<tr>
<td>9</td>
<td>164.13(4c)a</td>
<td>Manufactured Facilities for Commercial Housing of Animals</td>
<td>10.8</td>
</tr>
<tr>
<td>10</td>
<td>164.13(4c)b and c</td>
<td>Building Materials and Equipment for Animal Enclosures and Housing</td>
<td>included in item #9</td>
</tr>
<tr>
<td>11</td>
<td>164.13(4d)</td>
<td>Tobacco Farming Items</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>12</td>
<td>164.13(4f)</td>
<td>Commercial Logging Machinery</td>
<td>7.0</td>
</tr>
<tr>
<td>13</td>
<td>164.13(5a)</td>
<td>Items Taxed by Article 5F</td>
<td>154.4</td>
</tr>
<tr>
<td>14</td>
<td>164.13(5b)</td>
<td>Telephone Equipment</td>
<td>31.0</td>
</tr>
<tr>
<td>15</td>
<td>164.13(5c)</td>
<td>Radio and Television Broadcast Equipment</td>
<td>1.5</td>
</tr>
<tr>
<td>16</td>
<td>164.13(5d)</td>
<td>Cable Service Broadcast Equipment</td>
<td>12.0</td>
</tr>
<tr>
<td>17</td>
<td>164.13(7)</td>
<td>Aquacultural Products in Raw State</td>
<td>Unavailable</td>
</tr>
<tr>
<td>18</td>
<td>164.13(9)</td>
<td>Tangible Property Purchased for Commercial Fishing</td>
<td>1.6</td>
</tr>
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<td>19</td>
<td>164.13(10)</td>
<td>Items Used by Laundries and Dry Cleaning Businesses</td>
<td>1.7</td>
</tr>
<tr>
<td>20</td>
<td>164.13(10a)a and b</td>
<td>Lubricants Used by Major Recycling Facility</td>
<td>Unavailable</td>
</tr>
<tr>
<td>21</td>
<td>164.13(10a)c</td>
<td>Electricity Used by Major Recycling</td>
<td>Unavailable</td>
</tr>
<tr>
<td>Item</td>
<td>Citation</td>
<td>Short Title</td>
<td>FY08 Estimate (millions of dollars)</td>
</tr>
<tr>
<td>------</td>
<td>-------------------</td>
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<td>-------------------------------------</td>
</tr>
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<td>22</td>
<td>164.13(11a)</td>
<td>Diesel Fuel for Railroads</td>
<td>17.0</td>
</tr>
<tr>
<td>23</td>
<td>164.13(12)</td>
<td>Durable Medical Equipment</td>
<td>25.5</td>
</tr>
<tr>
<td>24</td>
<td>164.13(13)</td>
<td>Prescription Drugs and Insulin</td>
<td>387.8</td>
</tr>
<tr>
<td>25</td>
<td>164.13(13c)</td>
<td>Chiropractors’ Nutritional Supplements</td>
<td>0.2</td>
</tr>
<tr>
<td>26</td>
<td>164.13(14)</td>
<td>Public School Books</td>
<td>3.0</td>
</tr>
<tr>
<td>27</td>
<td>164.13(15)</td>
<td>Accounts of Sales Charged Off for Income Purposes</td>
<td>Unavailable</td>
</tr>
<tr>
<td>28</td>
<td>164.13(20)</td>
<td>Sales by Blind Merchants</td>
<td>0.5</td>
</tr>
<tr>
<td>29</td>
<td>164.13(21)</td>
<td>Lease or Rental of Films for Exhibition</td>
<td>2.8</td>
</tr>
<tr>
<td>30</td>
<td>164.13(22)</td>
<td>Lease or Rental of Films, Transcriptions and Recordings to Broadcasters</td>
<td>Unavailable</td>
</tr>
<tr>
<td>31</td>
<td>164.13(22a)</td>
<td>Audiovisual Masters</td>
<td>2.2</td>
</tr>
<tr>
<td>32</td>
<td>164.13(23a)</td>
<td>Packaging Items for Manufacturers, Producers and Retailers</td>
<td>61.6</td>
</tr>
<tr>
<td>33</td>
<td>164.13(23b)</td>
<td>Packaging Returned to Seller</td>
<td>0.1</td>
</tr>
<tr>
<td>34</td>
<td>164.13(26)</td>
<td>Food Sold by a Public or Private School Cafeteria</td>
<td>12.1</td>
</tr>
<tr>
<td>35</td>
<td>105.164.13(26a)</td>
<td>Food Sold by a Public School Cafeteria to Certain Childcare Centers</td>
<td>included in item #34</td>
</tr>
<tr>
<td>36</td>
<td>164.13(27)</td>
<td>Food Sold in Dining Rooms Operated by Educational Institution</td>
<td>24.9</td>
</tr>
<tr>
<td>37</td>
<td>164.13(27a)</td>
<td>Bread Sold at a Bakery Thrift Store</td>
<td>0.1</td>
</tr>
<tr>
<td>38</td>
<td>164.13(28)</td>
<td>Non-Subscriber Sales of Newspapers and Magazines</td>
<td>7.4</td>
</tr>
<tr>
<td>39</td>
<td>164.13(30)</td>
<td>Vending Machine One-Cent Sales</td>
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</tr>
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<td>40</td>
<td>164.13(31)</td>
<td>Meals for the Elderly</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>41</td>
<td>164.13(31a)</td>
<td>Food Sold by a Church or Religious Organization</td>
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</tr>
<tr>
<td>42</td>
<td>164.13(32)</td>
<td>Sales of Motor Vehicles</td>
<td>301.0</td>
</tr>
<tr>
<td>Item</td>
<td>Citation</td>
<td>Short Title</td>
<td>FY08 Estimate (millions of dollars)</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
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<td>43</td>
<td>164.13(34)</td>
<td>Sales by Nonprofits Whose Proceeds Go to the State</td>
<td>Unavailable</td>
</tr>
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<td>164.13(35)</td>
<td>Sales by Nonprofits Conducted Annually</td>
<td>1.1</td>
</tr>
<tr>
<td>45</td>
<td>164.13(36)</td>
<td>Advertising Supplements Sold with Newspapers</td>
<td>4.3</td>
</tr>
<tr>
<td>46</td>
<td>164.13(38)</td>
<td>Food Stamp Purchases</td>
<td>44.5</td>
</tr>
<tr>
<td>47</td>
<td>164.13(39)</td>
<td>Components of Free Distribution Periodicals</td>
<td>5.5</td>
</tr>
<tr>
<td>48</td>
<td>164.13(41)</td>
<td>Mobile Classrooms Purchased by Boards of Education or Community Colleges</td>
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</tr>
<tr>
<td>49</td>
<td>164.13(43)</td>
<td>Custom Computer Software</td>
<td>9.6</td>
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<tr>
<td>50</td>
<td>164.13(43a)</td>
<td>Software Delivered Electronically</td>
<td>Unavailable</td>
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<tr>
<td>51</td>
<td>164.13(45)</td>
<td>Items Purchased by Interstate Passenger Air Carriers</td>
<td>Unavailable</td>
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<td>52</td>
<td>164.13(45a)</td>
<td>Lubricants Used in Maintenance of Commercial Aircraft</td>
<td>Unavailable</td>
</tr>
<tr>
<td>53</td>
<td>164.13(45b)</td>
<td>Items Purchased by Interstate Air Couriers</td>
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<tr>
<td>54</td>
<td>164.13(46)</td>
<td>Electricity to Municipalities Supplied by Federal Agency</td>
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<tr>
<td>55</td>
<td>164.13(49a)</td>
<td>Delivery Charges of Direct Mail</td>
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<tr>
<td>56</td>
<td>164.13(50)</td>
<td>Goods Sold Through Vending Machines</td>
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</tr>
<tr>
<td>57</td>
<td>164.13(51)</td>
<td>Water Delivered Through Main Pipes</td>
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<tr>
<td>58</td>
<td>164.13(53)</td>
<td>Aerial Survey Data</td>
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<tr>
<td>59</td>
<td>164.13(54b)</td>
<td>Pay Telephone Services</td>
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</tr>
<tr>
<td>60</td>
<td>164.13(54c)</td>
<td>911 Charges</td>
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<td>61</td>
<td>164.13(54d)</td>
<td>Telephone Charges by a Hotel or Motel</td>
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</tr>
<tr>
<td>62</td>
<td>164.13(54e)</td>
<td>Charges Related to NC Information Highway and Other Government Data Networks</td>
<td>0.5</td>
</tr>
<tr>
<td>63</td>
<td>164.13(55)</td>
<td>Electricity and Eligible Business Property for an Internet Data Center</td>
<td>1.8</td>
</tr>
<tr>
<td>64</td>
<td>164.13(56)</td>
<td>Locomotives, Cranes and Trucks for a Railroad Intermodal Facility</td>
<td>included in estimate for G.S. 105-129.96</td>
</tr>
</tbody>
</table>
### Sales and Use Tax

<table>
<thead>
<tr>
<th>Item</th>
<th>Citation</th>
<th>Short Title</th>
<th>FY08 Estimate (millions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>65</td>
<td>164.13A</td>
<td>Tips on Meals and Beverages</td>
<td>33.2</td>
</tr>
<tr>
<td>66</td>
<td>164.13B</td>
<td>Food Exemption</td>
<td>446.3</td>
</tr>
<tr>
<td>67</td>
<td>164.13C</td>
<td>Sales and Use Tax Holiday</td>
<td>11.7</td>
</tr>
<tr>
<td>68</td>
<td>164.21A</td>
<td>Municipalities That Sell Electric Power</td>
<td>6.7</td>
</tr>
<tr>
<td>69</td>
<td>164.14(a)</td>
<td>Refunds to Interstate Carriers</td>
<td>5.1</td>
</tr>
<tr>
<td>70</td>
<td>164.14(a2)</td>
<td>Partial Refund for Purchases of Railway Cars and Accessories by a Utility</td>
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<td>71</td>
<td>164.14(b)</td>
<td>Refund of Sales Taxes to Nonprofits</td>
<td>235.0</td>
</tr>
<tr>
<td>72</td>
<td>164.14(c)</td>
<td>Refund of Sales Taxes to Sub-State Government Entities Except Schools</td>
<td>71.5</td>
</tr>
<tr>
<td>73</td>
<td>164.14(g)</td>
<td>Refund for Major Recycling Facilities</td>
<td>less than 0.1</td>
</tr>
<tr>
<td>74</td>
<td>164.14(h)</td>
<td>Refund for Low Enterprise Tier Machinery</td>
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</tr>
<tr>
<td>75</td>
<td>164.14(i)</td>
<td>Refund for Nonprofit Insurance Companies</td>
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</tr>
<tr>
<td>76</td>
<td>164.14(j)</td>
<td>Refund for Certain Industrial Facilities</td>
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</tr>
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<td>77</td>
<td>164.14(l)</td>
<td>Refund of Aviation Fuel for Motorsports Events</td>
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<tr>
<td>78</td>
<td>164.14(m)</td>
<td>Refund on Professional Motor Racing Vehicle Parts</td>
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<td>79</td>
<td>164.14(n)</td>
<td>Refund for Analytical Service Companies</td>
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<tr>
<td>80</td>
<td>164.14(n)</td>
<td>Refund for Railroad Intermodal Facilities</td>
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<tr>
<td>81</td>
<td>164.4(a)(1a)</td>
<td>Manufactured Homes</td>
<td>15.9</td>
</tr>
<tr>
<td>82</td>
<td>164.4(a)(1b)</td>
<td>Aircraft and Boats</td>
<td>13.2</td>
</tr>
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<td>83</td>
<td>164.4(a)(1f)</td>
<td>Electricity to Commercial Laundries</td>
<td>0.5</td>
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<td>84</td>
<td>164.4(a)(1h)</td>
<td>Electricity to Aluminum Smelting Facility</td>
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<td>85</td>
<td>164.4(a)(1i)</td>
<td>Electricity to Manufacturers at 2.6%</td>
<td>6.8</td>
</tr>
<tr>
<td>86</td>
<td>164.4(a)(1j)</td>
<td>Electricity to Manufacturers and Farmers at 1.8%</td>
<td>22.0</td>
</tr>
<tr>
<td>87</td>
<td>164.4(4a)</td>
<td>Electricity to Commercial Businesses and Residences</td>
<td>105.0</td>
</tr>
<tr>
<td>88</td>
<td>164.4(a)(8)</td>
<td>Modular Homes</td>
<td>4.6</td>
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<tr>
<td>89</td>
<td>164.4C(f)</td>
<td>Out-of-State Call Centers</td>
<td>Unavailable</td>
</tr>
<tr>
<td>90</td>
<td>164.14(a1)</td>
<td>Cap on Tax of Aviation Fuel for Interstate Passenger Air Carriers</td>
<td>3.0</td>
</tr>
</tbody>
</table>
Exemptions

1. **Items Sold to Farmers**
   
   **Citation:** G.S. 105-164.13(1) and (1a)
   
   **Description:** Various items sold for agricultural purposes: (a) commercial fertilizer, lime, land plaster, plastic mulch, plant bed covers, potting soil, bale twine, and seeds (b) farm machinery, attachment and repair parts for farm machinery, and lubricants applied to farm machinery, (c) horse or mule, (d) fuel, (e) containers sold to a farmer used to transport or package products, (f) grain, feed, or soybean storage facility, and parts and accessories attached to the facility.

   **Estimate (in millions):** $54.3

   **Data Source:** Department of Revenue sales tax records; North Carolina Department of Agriculture and Consumer Services (NCDACS)

2. **Feeds, Litter and Medications for Farming**
   
   **Citation:** G.S. 105-164.13(2a)a
   
   **Description:** Remedies, vaccines, medications, litter materials, and feeds for animals raised for commercial purposes.

   **Estimate (in millions):** $85.2

   **Data Source:** North Carolina Department of Agriculture and Consumer Services (NCDACS)

3. **Pesticides, Rodenticides and Related Products for Farming**
   
   **Citation:** G.S. 105-164.13(2a)b
   
   **Description:** Rodenticides, insecticides, herbicides, fungicides and pesticides for use on plants grown for commercial purposes.

   **Estimate (in millions):** $8.9

   **Data Source:** North Carolina Department of Agriculture and Consumer Services (NCDACS)

   **Note:** Includes Items #4 and 5.

4. **Defoliants for Commercial Use**
   
   **Citation:** G.S. 105-164.13(2a)c
   
   **Description:** Defoliants for use on cotton or other crops grown for commercial purposes.

   **Estimate (in millions):** included in item #3
5. **Plant Growth Inhibitors**  
**Citation:** G.S. 105-164.13(2a)d  
**Description:** Plant growth inhibitors, regulators, or stimulators, including systemic and contact or other sucker control agents for tobacco and other crops grown for commercial purposes.

**Estimate (in millions):** included in item #3

6. **Semen for Artificial Insemination**  
**Citation:** G.S. 105-164.13(2a)e  
**Description:** Sale of semen for artificial insemination.

**Estimate (in millions):** less than $0.1

**Note:** Although no direct information on semen sales were found, North Carolina is not a major cattle or dairy producer. Comparable estimates from other states were used to support estimate.

7. **Certain Products of Forests and Mines by Producers**  
**Citation:** G.S. 105-164.13(3)  
**Description:** Exemption for sales of products of forests and mines in their original or non-manufactured state when such sales are made by the producer in the capacity of producer.

**Estimate (in millions):** Unavailable

**Note:** Although a portion of sales of these products will undergo further processing or be sold for resale, a sizable amount of goods will be sold at retail by the producer, especially products of the mine such as gravel sold to road contractors.

8. **Farm Products Requiring Ice Preservation For Further Sale**  
**Citation:** G.S. 105-164.13(4b)  
**Description:** Exemption for sales of products of a farm sold in their original state by the producer of the products if the producer is not primarily a retail merchant and ice is used to preserve agriculture, aquaculture and commercial fishery products until the products are sold at retail.

**Estimate (in millions):** Unavailable

**Note:** No information on direct retail sales by farmers for this category was available.
9. Manufacturered Facilities for Commmercial Housing of Animals  
**Citation:** G.S. 105-164.13(4c)a  
**Description:** Sales of commercially manufactured facilities for commercial purposes in housing, raising or feeding animals or for housing related equipment.

**Estimate (in millions):** $10.8

**Data Source:** North Carolina Department of Agriculture and Consumer Services (NCDACS)

10. Building Materials and Equipment for Animal Enclosures and Housing  
**Citation:** G.S. 105-164.13(4c)b and c  
**Description:** Buildings, materials, supplies, fixtures, and equipment that become a part of and are used in the construction, repair, or improvement of an enclosure or a structure as specified in this subsection. Commercially manufactured equipment, and parts and accessories for the equipment, used in a facility that is exempt from tax in this subsection.

**Estimate (in millions):** included in item #9

11. Tobacco Farming Items  
**Citation:** G.S. 105-164.13(4d)  
**Description:** (a) lease or rental of tobacco sheets used in handling tobacco in the warehouse and transporting tobacco to and from the warehouse (b) metal flue sold for use in curing tobacco, whether the flue is attached to a handfired furnace or used in connection with a mechanical burner (c) bulk tobacco barn or rack, parts and accessories attached to the tobacco barn or rack, and any similar apparatus, part or accessory used to cure or dry tobacco or another crop (4e) a grain, feed, or soybean storage facility, and parts and accessories attached to the facility.

**Estimate (in millions):** less than $0.1

**Note:** Volume is not likely to exceed the level for a loss of $100,000 or more.
Sales and Use Tax

12. Commercial Logging Machinery
   Citation: G.S. 105-164.13(4f)
   Description: Sales to a person engaged in the commercial logging business of the following: (a) logging machinery; (b) attachments and repair parts for logging machinery; (c) lubricants applied to logging machinery; and (d) fuel used to operate logging machinery.
   Estimate (in millions): $7.0
   Data Source: The anticipated expenses were based on Fiscal Note for HB 1938(06). The number of firms and trends in logging industry in North Carolina were derived from Bureau of Labor Statistics data.
   Note: Motor fuels used off-highway are not subject to motor fuels tax but are subject to the sales tax.

13. Items Taxed by Article 5F
   Citation: G.S. 105-164.13(5a)
   Description: Mill machinery and mill machinery parts and accessories; manufacturing fuel; and certain recycling facility property that are subject to tax under Article 5F of this Chapter are exempt from sales and use tax.
   Estimate (in millions): $154.4
   Data Source: Department of Revenue Form E-500J tax returns
   Note: The estimate is the amount of tax that would have been collected at the State sales tax rate minus the amount collected under Article 5F. Article 5F imposes a 1% tax on eligible items, with a maximum tax of $80 per item.

14. Telephone Equipment
   Citation: G.S. 105-164.13(5b)
   Description: Sales to a telephone company of central office equipment, private branch exchange equipment, terminal equipment (other than public pay telephone), switchboard equipment, and attached parts and accessories.
   Estimate (in millions): $31.0
   Data Source: 2005 Annual Capital Expenditures, US Census
15. **Radio and Television Broadcast Equipment**  
   **Citation:** G.S. 105-164.13(5c)  
   **Description:** Sales of towers, broadcasting equipment, and attached parts and accessories to an FCC-licensed radio or television company.  
   **Estimate (in millions):** $1.5  
   **Data Source:** 2005 Annual Capital Expenditures, US Census

16. **Cable Service Broadcast Equipment**  
   **Citation:** G.S. 105-164.13(5d)  
   **Description:** Sales of broadcasting equipment and attached parts and accessories, excluding cable, to a cable service provider.  
   **Estimate (in millions):** $12.0  
   **Data Source:** 2005 Annual Capital Expenditures, US Census

17. **Aquacultural Products in Raw State**  
   **Citation:** G.S. 105-164.13(7)  
   **Description:** Exemption for sales of products of waters in their original or non-manufactured state when such sales are made by the producer in the capacity of producer. Fish and seafoods are likewise exempt when sold by the fisherman in that capacity.  
   **Estimate (in millions):** Unavailable  
   **Note:** No information on direct retail sales by producers for this category was available.

18. **Tangible Property Purchased for Commercial Fishing**  
   **Citation:** G.S. 105-164.13(9)  
   **Description:** Sales of boats, fuel oil, lubricating oils, machinery, equipment, nets, rigging, paints, parts, accessories, and supplies used in commercial fishing.  
   **Estimate (in millions):** $1.6  
   **Data Source:** NC Fisheries Association, NC Division of Marine Fisheries; sample of NC corporate income tax returns
19. **Items Used by Laundries and Dry Cleaning Businesses**  
**Citation:** G.S. 105-164.13(10)  
**Description:** Sales to commercial laundries or to pressing and dry cleaning establishments of articles or materials used for the identification of garments being laundered or dry cleaned, wrapping paper, bags, hangers, starch, soaps, detergents, cleaning fluids and other compounds or chemicals applied directly to the garments. As of January 1, 2006, this section also exempts laundry and dry-cleaning machinery, parts and accessories attached to the machinery, lubricants applied to the machinery, and fuel, other than electricity.  
**Estimate (in millions):** $1.7

**Data Source:** 2002 Economic Census, US Census Bureau; sample of NC corporate income tax returns

**Note:** Laundering machinery, parts and accessories, and lubricants were subject to a 1% tax with an $80 maximum per article prior to January 1, 2006. Fuel was subject to a 1% tax prior to January 1, 2006.

20. **Lubricants Used by Major Recycling Facility**  
**Citation:** G.S. 105-164.13(10a)a and b  
**Description:** sales to major recycling facility of lubricants and other additives for motor vehicles or machinery and supplies used at the facility and accessories.  
**Estimate (in millions):** Unavailable

21. **Electricity Used by Major Recycling Facility**  
**Citation:** G.S. 105-164.13(10a)c  
**Description:** sales to a major recycling facility of electricity used at the facility.  
**Estimate (in millions):** Unavailable

22. **Diesel Fuel for Railroads**  
**Citation:** G.S. 105-164.13(11a)  
**Description:** Diesel fuel for railroad companies for use in rolling stock other than motor vehicles.  
**Estimate (in millions):** $17.0

**Data Source:** Association of American Railroads
23. **Durable Medical Equipment**  
**Citation:** G.S. 105-164.13(12)  
**Description:** Sales of prosthetic devices, mobility-enhancing equipment sold on a prescription, durable medical equipment sold on prescription, durable medical supplies sold on prescription.  

**Estimate (in millions):** $25.5  

**Data Source:** NC-specific data through 2004 from the US Centers for Medicare & Medicaid Services, (www.cms.gov)

24. **Prescription Drugs and Insulin**  
**Citation:** G.S. 105-164.13(13)  
**Description:** Drugs required by federal law to be dispensed only on prescription, over-the-counter drugs sold on prescription, insulin.  

**Estimate (in millions):** $387.8  

**Data Source:** NC-specific data through 2004 from the US Centers for Medicare & Medicaid Services, (www.cms.gov)

25. **Chiropractors' Nutritional Supplements**  
**Citation:** G.S. 105-164.13(13c)  
**Description:** Nutritional supplements sold by a chiropractic physician at a chiropractic office to a patient as part of the patient's plan of treatment.  

**Estimate (in millions):** $0.2  

**Data Source:** Department of Revenue sales and use tax database; 1997 and 2002 Economic Census data for Health Care and Social Assistance Industries

26. **Public School Books**  
**Citation:** G.S. 105-164.13(14)  
**Description:** Sales of public school books on the adopted list, the selling price of which is set by State contract.  

**Estimate (in millions):** $3.0  

**Data Source:** State revenue from sales of textbooks from 2004-05 Statistical Report, NC Department of Public Instruction
Sales and Use Tax

27. **Accounts of Sales Charged Off for Income Purposes**  
    **Citation:** G.S. 105-164.13(15)  
    **Description:** Accounts of purchasers, representing taxable sales, on which the sales and use tax has been paid, that are found to be worthless and actually charged off for income tax purposes may be deducted from gross sales. In the case of a municipality that sells electricity, the account may be deducted if it meets all the conditions for charge-off that would apply if the municipality were subject to income tax.

    **Estimate (in millions):** Unavailable

28. **Sales by Blind Merchants**  
    **Citation:** G.S. 105-164.13(20)  
    **Description:** Sales by blind merchants operating under supervision of the Department of Health and Human Services.

    **Estimate (in millions):** $0.5

    **Data Source:** Services for the Blind, NC Department of Health and Human Services

29. **Lease or Rental of Films for Exhibition**  
    **Citation:** G.S. 105-164.13(21)  
    **Description:** Lease or rental of motion picture films used for exhibition purposes where the lease or rental of such property is an established business or part of an established business.

    **Estimate (in millions):** $2.8

    **Data Source:** Sample of income tax returns for movie theaters; Department of Revenue privilege tax database

30. **Lease or Rental of Films, Transcriptions and Recordings to Broadcasters**  
    **Citation:** G.S. 105-164.13(22)  
    **Description:** Lease or rental of films, motion picture films, transcriptions and recordings to radio stations and television stations operating under a certificate from the Federal Communications Commission.

    **Estimate (in millions):** Unavailable
31. **Audiovisual Masters**  
**Citation:** G.S. 105-164.13(22a)  
**Description:** Sales of audiovisual masters made or used by a production company in making images for first generation reproduction.  

**Estimate (in millions):** $2.2

**Data Source:** Department of Revenue Sales and Use Tax data; NC Film Office; 2002 Economic Census

32. **Packaging Items for Manufacturers, Producers and Retailers**  
**Citation:** G.S. 105-164.13(23)a  
**Description:** Sales of the following packaging items: wrapping paper, cloth, plastic bags, labels, wrapping twine, packages and containers, cartons, cores, cones or spools, wooden boxes, baskets, coops and barrels, including paper cups, napkins and drinking straws and like articles sold to manufacturers, producers and retailers, when such materials constitute a part of the sale of tangible personal property.  

**Estimate (in millions):** $61.6

**Data Source:** Packaging costs from 2002 economic census (manufacturers) and 2002 Business Expenses Survey (other industries)

33. **Packaging Returned to Seller**  
**Citation:** G.S. 105-164.13(23)b  
**Description:** Packaging that is required to be returned to seller.  

**Estimate (in millions):** $0.1

**Note:** Prior to the enactment of this exemption, these items were being taxed as reusable containers. In practice, many of these containers contained ingredient materials that were exempt from taxation. The sellers of the products were taxed on the lease of the containers.

34. **Food Sold by a Public or Private School Cafeteria**  
**Citation:** G.S. 105-164.13(26)  
**Description:** Food sold not for profit by public or private school cafeterias within school building during the regular school day.  

**Estimate (in millions):** $12.1

**Data Source:** Revenue reported by the NC Dept. of Public Instruction; NC Department of Administration
Sales and Use Tax

35. **Food Sold by a Public School Cafeteria to Certain Childcare Centers**
   
   **Citation:** G.S. 105-105.164.13(26a)
   
   **Description:** Sales of food sold not for profit by a public school cafeteria to a childcare center that participates in the Child and Adult Care Food Program.
   
   **Estimate (in millions):** included in above item

36. **Food Sold in Dining Rooms Operated by Educational Institutions**
   
   **Citation:** G.S. 105-164.13(27)
   
   **Description:** Sales of food served to students in dining rooms regularly operated by State or private education institutions or student organizations thereof.
   
   **Estimate (in millions):** $24.9
   
   **Data Source:** Statistical Abstract of Higher Education in North Carolina, University of North Carolina

37. **Bread Sold at a Bakery Thrift Store**
   
   **Citation:** G.S. 105-164.13(27a)
   
   **Description:** Sales of bread, rolls, and buns sold at a bakery thrift store.
   
   **Estimate (in millions):** $0.1
   
   **Data Source:** 2007 Legislative budget bill

38. **Non-Subscriber Sales of Newspapers and Magazines**
   
   **Citation:** G.S. 105-164.13(28)
   
   **Description:** Sales of newspapers by newspaper street vendors, by newspaper carriers making door-to-door deliveries and by means of vending machines and sales of magazines by magazine vendors making door-to-door sales.
   
   **Estimate (in millions):** $7.4
   
   **Data Source:** Department of Revenue Sales and Use Tax data

39. **Vending Machine One-Cent Sales**
   
   **Citation:** G.S. 105-164.13(30)
   
   **Description:** Sales from vending machines when sold by the owner or lessee of said machines at a price of $0.01 per sale.
   
   **Estimate (in millions):** less than $0.1
40. **Meals for the Elderly**  
   **Citation:** G.S. 105-164.13(31)  
   **Description:** Sales of meals not for profit to elderly and incapacitated persons by charitable or religious organizations not operated for profit which are entitled to the refunds provided by G.S. 105-164.14(b), when such meals are delivered to the purchasers at their places of abode.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** Meals on Wheels data from Wake, Buncombe and Forsyth Counties

41. **Food Sold by a Church or Religious Organization**  
   **Citation:** G.S. 105-164.13(31a)  
   **Description:** Food sold by a church or religious organization when proceeds are used for religious purposes.  
   **Estimate (in millions):** Unavailable

42. **Sales of Motor Vehicles**  
   **Citation:** G.S. 105-164.13(32)  
   **Description:** Sales of motor vehicles, the sale of a motor vehicle body to be mounted on a motor vehicle chassis when a certificate of title has not been issued for the chassis, and the sale of a motor vehicle body mounted on a motor vehicle chassis that temporarily enters the State so the manufacturer of the body can mount the body or chassis.  
   **Estimate (in millions):** $301.0  
   **Data Source:** Highway use tax data, NC Department of Motor Vehicles  
   **Note:** The estimate only includes the sales of vehicles because the other exemptions are not final sales. The estimate is the additional revenue that would be collected at the 4.25% sales tax rate above the 3% Highway Use Tax. It is assumed that there would be no trade-in allowance.

43. **Sales by Nonprofits Whose Proceeds Go to the State**  
   **Citation:** G.S. 105-164.13(34)  
   **Description:** Sales of items by a nonprofit civic, charitable, educational, scientific or literary organization when the net proceeds of the sales will be given to the State of North Carolina or to one of its agencies or instrumentalities, or to one or more nonprofit charitable organizations, one of whose purposes is to serve as a conduit through which such net proceeds will flow to the State or to one or more of its agencies or instrumentalities.  
   **Estimate (in millions):** Unavailable
44. **Sales by Nonprofits Conducted Annually**  
   **Citation:** G.S. 105-164.13(35)  
   **Description:** Sales by nonprofits conducted annually when the proceeds are used for the organization's activities. The products sold must be delivered to the purchaser within 60 days after the first solicitation of any sale made during the organization's annual sales period.

   **Estimate (in millions):** $1.1  
   **Data Source:** Girl Scout Council Annual Reports

45. **Advertising Supplements Sold with Newspapers**  
   **Citation:** G.S. 105-164.13(36)  
   **Description:** Advertising supplements and any other printed matter ultimately to be distributed with newspaper.

   **Estimate (in millions):** $4.3  
   **Data Source:** 2002 Economic Census, US Census Bureau

46. **Food Stamp Purchases**  
   **Citation:** G.S. 105-164.13(38)  
   **Description:** Food and other items lawfully purchased under the Food Stamp Program and supplemental foods lawfully purchased with a food instrument issued under the Special Supplemental Food Program and supplemental foods purchased for direct distribution by the Special Supplemental Food Program.

   **Estimate (in millions):** $44.5  
   **Data Source:** Food Stamp Program, US Dept. of Agriculture estimates of NC food stamps receipts through federal FY 2006.

47. **Components of Free Distribution Periodicals**  
   **Citation:** G.S. 105-164.13(39)  
   **Description:** Sales of paper, ink, and other tangible personal property to commercial printers and commercial publishers for use in free distribution periodicals and sales by printers of free distribution periodicals to the publishers of these periodicals.

   **Estimate (in millions):** $5.5  
   **Data Source:** Fiscal Research Division fiscal note for HB1149 (2003-04 session)
48. Mobile Classrooms Purchased by Boards of Education or Community Colleges  
Citation: G.S. 105-164.13(41)  
Description: Sales of mobile classrooms to local boards of education or to local boards of trustees of community colleges.  
Estimate (in millions): $0.5  
Data Source: Statistical Reports, NC Department of Public Instruction provided growth of pupils by county; Wake County Public School System reports on school construction  
Note: This tax expenditure is based on the exemption from the normal State tax rate, although these purchases would also be exempt under G.S. 105-164.14(c). No information on community college use of mobile classrooms was obtained.

49. Custom Computer Software  
Citation: G.S. 105-164.13(43)  
Description: Sales of custom computer software and the portion of prewritten computer software that is modified or enhanced.  
Estimate (in millions): $9.6  
Data Source: 2004 and 2005 revenues of software publishers from "custom applications design and development," from 2005 Service Annual Survey, US Census Bureau

50. Software Delivered Electronically  
Citation: G.S. 105-164.13(43a)  
Description: Computer software delivered electronically or delivered by load and leave.  
Estimate (in millions): Unavailable

51. Items Purchased by Interstate Passenger Air Carriers  
Citation: G.S. 105-164.13(45)  
Description: Sales to interstate passenger air carrier of (a) aircraft lubricants, repair parts and accessories; (b) aircraft simulators for flight crew training.  
Estimate (in millions): Unavailable  
Note: Prior to January 1, 2006, aircraft simulators were subject to a 1% tax rate with a maximum of $80 per article.

52. Lubricants Used in Maintenance of Commercial Aircraft  
Citation: G.S. 105-164.13(45a)  
Description: Sales to an interstate air business of tangible personal property that becomes a component part of or is dispensed as a lubricant into commercial aircraft during its maintenance, repair, or overhaul.  
Estimate (in millions): Unavailable
Sales and Use Tax

53. **Items Purchased by Interstate Air Couriers**
   
   **Citation:** G.S. 105-164.13(45b)
   
   **Description:** Sales to interstate air courier (a) aircraft lubricants, repair parts and accessories, (b) materials handling equipment, racking systems, and related parts and accessories for the storage or handling and movement of tangible personal property at an airport or in a warehouse or distribution facility.

   **Estimate (in millions):** Unavailable

   **Note:** Prior to January 1, 2006, these items were subject to a 1% tax rate with a maximum of $80 per article.

54. **Electricity to Municipalities Supplied by Federal Agency**
   
   **Citation:** G.S. 105-164.13(46)
   
   **Description:** Sales of electricity by a municipality whose only wholesale provider is a federal agency and who is required by a contract with that federal agency to make payments in lieu of taxes.

   **Estimate (in millions):** $0.3

   **Data Source:** NC Treasurer Report on Municipal Electrical Systems

55. **Delivery Charges of Direct Mail**
   
   **Citation:** G.S. 105-164.13(49a)
   
   **Description:** Delivery charges for delivery of direct mail if the charges are separately stated on an invoice.

   **Estimate (in millions):** $0.5

   **Data Source:** Fiscal Research Division fiscal note for HB1414, version 4 (2003-04 session)

56. **Goods Sold Through Vending Machines**
   
   **Citation:** G.S. 105-164.13(50)
   
   **Description:** 50% of the sales price of goods sold through vending machines, except tobacco.

   **Estimate (in millions):** $5.5

   **Data Source:** 2002 Retail Economic Census data on vending machine companies
57. **Water Delivered Through Main Pipes**  
   **Citation:** G.S. 105-164.13(51)  
   **Description:** Water delivered through main lines for either commercial or domestic use or consumption.  
   **Estimate (in millions):** $42.5  
   **Data Source:** Amount of water used extrapolated from 2000 estimate by NC Department of Energy and Natural Resources. Average water rates were estimated from a sample of current municipal rates.  
   **Note:** The estimate only considers a sales tax on the variable rates on water consumption. It does not include fixed charges or wastewater rates, which are considered services.

58. **Aerial Survey Data**  
   **Citation:** G.S. 105-164.13(53)  
   **Description:** Sales to a professional land surveyor of tangible personal property on which custom aerial survey data is stored in digital form or is depicted in graphic form.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** 2002 Business Expenses Survey for Industry Codes related to Land Surveying, US Census Bureau

59. **Pay Telephone Services**  
   **Citation:** G.S. 105-164.13(54)b  
   **Description:** Receipts of a pay telephone provider from the sale of pay telephone services.  
   **Estimate (in millions):** less than $0.1  
   **Note:** Pay telephone providers must pay the tax to the provider of its telecommunications services.

60. **911 Charges**  
   **Citation:** G.S. 105-164.13(54)c  
   **Description:** 911 charges imposed under G.S. 62A-43 and remitted to the 911 Fund under that section.  
   **Estimate (in millions):** $4.2  
   **Data Source:** Annual Financial Information Reports, 2006 for the counties and municipalities
Sales and Use Tax

61. **Telephone Charges by a Hotel or Motel**
   **Citation:** G.S. 105-164.13(54)d
   **Description:** Charges for telephone service made by a hotel, motel, or another entity whose gross receipts are taxable under G.S. 105-164.4(a)(3) when the charges are incidental to the occupancy of the entity's accommodations.
   
   **Estimate (in millions):** $1.2
   
   **Data Source:** 2002 Economic Census data for accomodations (adjusted for growth and price changes)
   
   **Note:** The estimate uses the combined tax rate of 6.75%.

62. **Charges Related to NC Information Highway and Other Government Data Networks**
   **Citation:** G.S. 105-164.13(54)e
   **Description:** Charges to a State agency or to a local unit of government for the North Carolina Information Highway and other data networks owned or leased by the State or unit of local government.
   
   **Estimate (in millions):** $0.5
   
   **Data Source:** NC Information Highway rate schedule, ITS and NCIH websites
   
   **Note:** Estimate includes only local government users.

63. **Electricity and Eligible Business Property for an Internet Data Center**
   **Citation:** G.S. 105-164.13(55)
   **Description:** Effective October 1, 2006, sales of electricity and business property to an eligible Internet data center.
   
   **Estimate (in millions):** $1.8
   
   **Data Source:** Newspaper article quote of $3.6M to $6.8M per year based on a NC legislative estimate
   
   **Note:** Eligible businesses are expected to begin operation in March 2008.

64. **Locomotives, Cranes and Trucks for a Railroad Intermodal Facility**
   **Citation:** G.S. 105-164.13(56)
   **Description:** Effective January 1, 2007, sales to the owner or lessee of an eligible railroad intermodal facility of intermodal cranes, intermodal hostler trucks, and railroad locomotives that reside on the premises of the facility and are used at the facility.
   
   **Estimate (in millions):** included in estimate for G.S. 105-129.96
65. **Tips on Meals and Beverages**
   **Citation:** G.S. 105-164.13A  
   **Description:** Service charges, considered tips, imposed on food, beverages or meals when not above 20% of the sale price.

   **Estimate (in millions):** $33.2

   **Data Source:** Receipts at full-service restaurants and drinking places in NC were obtained from the 2002 Economic Census

   **Note:** Receipts were inflated to 2006-08 by considering both the increase in employment and the increase in prices of food and beverages. It was assumed that tips represented 15% of total receipts.

66. **Food Exemption**
   **Citation:** G.S. 105-164.13B  
   **Description:** Food is exempt from sales and use taxes unless the food is in one of the following categories: (1) dietary supplements, (2) food sold through a vending machine, (3) prepared food, (4) soft drinks, (5) candy.

   **Estimate (in millions):** $446.3

   **Data Source:** Department of Revenue: Based on 2% Local Sales Tax data

   **Note:** Candy was exempt until Nov. 1, 2005.

67. **Sales and Use Tax Holiday**
   **Citation:** G.S. 105-164.13C  
   **Description:** The sales and use taxes do not apply on the following items during the first weekend of August: (1) clothing with a sales price of $100 or less, (2) school supplies with a sales price of $100 or less, (3) instructional material with a sales price of $300 or less (effective Oct 1, 2007), (4) computers with a sales price of $3,500 or less, (5) computer supplies with a sales price of $250 or less, (6) sport or recreational equipment with a sales price of $50 or less. The exemption does not apply to the following: (1) sales of clothing accessories or equipment, (2) sales of protective equipment, (3) sales of furniture, (4) sales of items for use in trade or business, (5) rentals.

   **Estimate (in millions):** $11.7

   **Data Source:** National Income and Product Accounts, Bureau of Economic Analysis, US Department of Commerce; National Retail Federation survey on back-to-school spending in 2003

   **Note:** In 2003, computer peripherals and educational software were exempt up to $3,500. In 2004 and 2005, these items were not exempt. Beginning for the sales tax holiday in 2006, computer supplies, including printers, were exempt up to $250, but software was still not exempt.
Sales and Use Tax

68. Municipalities That Sell Electric Power
   Citation: G.S. 105-164.21A
   Description: A municipality that pays sales tax on electricity may deduct from the sales tax 3% of the difference between its gross receipts from sales of electricity for the preceding reporting period and the amount paid by the municipality for purchased power and related services during that period.

   Estimate (in millions): $6.7

   Data Source: Department of Revenue sales and use tax database

Refunds

69. Refunds to Interstate Carriers
   Citation: G.S. 105-164.14(a)
   Description: An interstate carrier is allowed a refund of part of the sales and use taxes paid on the purchase in this State of railway cars and locomotives, and fuel, lubricants, repair parts, and accessories for a motor vehicle, railroad car, locomotive, or airplane the carrier operates.

   Estimate (in millions): $5.1

   Data Source: Department of Revenue sales and use tax database

70. Partial Refund for Purchases of Railway Cars and Accessories by a Utility
   Citation: G.S. 105-164.14(a2)
   Description: Effective July 1, 2006, a utility company may receive a semiannual refund of part of the sales and use taxes it pays on the purchase in this State of railway cars and locomotives and accessories.

   Estimate (in millions): Unavailable

71. Refund of Sales Taxes to Nonprofits
   Citation: G.S. 105-164.14(b)
   Description: Refunds for sales taxes paid on purchases, other than electricity and telecommunications, for use in carrying on the work of the nonprofit and indirect purchases of building materials. The refund is only for nonprofits in the following categories: (1) hospitals, (2) educational institutions, (3) churches, orphanages and other charitable or religious institutions, (4) qualified retirement facilities.

   Estimate (in millions): $235.0

   Data Source: Department of Revenue sales and use tax database

   Note: As of July 1, 2006, the refunds of G.S. 164-14 do not include sales of alcoholic beverages (G.S. 164-14(d1)).
72. **Refund of Sales Taxes to Sub-State Government Entities Except Schools**  
   **Citation:** G.S. 105-164.14(c)  
   **Description:** Refunds for sales taxes paid on purchases, other than electricity and telecommunications, by certain local govt. entities and indirect purchases of building materials.  
   **Estimate (in millions):** $71.5  
   **Data Source:** Department of Revenue sales and use tax database  
   **Note:** Refunds for schools were subtracted out of estimate. These refunds were repealed as of July 1, 2005. Refunds to US government were not included in the estimate.

73. **Refund for Major Recycling Facilities**  
   **Citation:** G.S. 105-164.14(g)  
   **Description:** The owner of a major recycling facility is allowed an annual refund of sales and use taxes paid by it on building materials, building supplies, fixtures, and equipment that became a part of the real property of the recycling facility.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** Department of Revenue

74. **Refund for Low Enterprise Tier Machinery**  
   **Citation:** G.S. 105-164.14(h)  
   **Description:** Businesses eligible for Tax Incentives in section 105-129.4 are allowed an annual refund of sales and use taxes on eligible machinery and equipment it purchases for use in an enterprise tier one area or an enterprise tier two area, as defined in 105-129.3.  
   **Estimate (in millions):** $0.2  
   **Data Source:** Department of Revenue sales and use tax database  
   **Note:** This amount has been highly variable over the last 5 years, ranging from $47k in FY04 to $682k in FY06. The estimate for FY08 is the average for the last 5 years.

75. **Refund for Nonprofit Insurance Companies**  
   **Citation:** G.S. 105-164.14(i)  
   **Description:** Eligible nonprofit insurance companies are allowed an annual refund of sales and use taxes paid on building materials, building supplies, fixtures, and equipment that become a part of its real property. Eligible companies must invest at least $20,000,000 in constructing a facility in the State.  
   **Estimate (in millions):** less than $0.1  
   **Data Source:** Department of Revenue sales and use tax database  
   **Note:** This provision sunsets on January 1, 2008.
Sales and Use Tax

76. **Refund for Certain Industrial Facilities**
    **Citation:** G.S. 105-164.14(j)
    **Description:** Refund for building materials, building supplies, fixtures, and equipment that become a part of the real property of the eligible facility: industries include (a) air courier services, (b) aircraft manufacturing, (c) bioprocessing, (d) computer manufacturing, (f) financial services, securities operations, and related systems development, (g) motor vehicle manufacturing, (j) pharmaceutical and medicine manufacturing and distribution of pharmaceuticals and medicines, (m) semiconductor manufacturing.

    **Estimate (in millions):** less than $0.1

    **Data Source:** Department of Revenue sales and use tax database

    **Note:** This provision sunsets on January 1, 2013.

77. **Refund of Aviation Fuel for Motorsports Events**
    **Citation:** G.S. 105-164.14(l)
    **Description:** A professional motorsports racing team or a motorsports sanctioning body is allowed a refund of the sales and use tax paid by it in this State on aviation fuel that is used to travel to or from a motorsports event in this State, to travel to a motorsports event in another state from a location in this State, or to travel to this State from a motorsports event in another state.

    **Estimate (in millions):** $0.1

    **Data Source:** Department of Revenue sales and use tax database

    **Note:** This provision sunsets on January 1, 2009.

78. **Refund on Professional Motor Racing Vehicle Parts**
    **Citation:** G.S. 105-164.14(m)
    **Description:** Effective July 1, 2007, a professional motorsports racing team may receive a refund of 50% of the sales tax paid on certain tangible personal property that comprises any part of a professional motor racing vehicle, except tires, instrumentation, telemetry, consumables and paint.

    **Estimate (in millions):** included in previous item
79. **Refund for Analytical Service Companies**  
**Citation:** G.S. 105-164.14(n)  
**Description:** Effective July 1, 2007, a taxpayer engaged in analytical services in this State is allowed a refund of fifty percent (50%) of the eligible amount of sales and use tax paid by it in this State on tangible personal property that is consumed or transformed in analytical service activities. The eligible amount of sales and use tax paid by the taxpayer in this State is the amount by which sales and use taxes paid by the taxpayer in this State in the fiscal year exceed the amount paid by the taxpayer in this State in the 2006-07 State fiscal year.

**Estimate (in millions):** $0  
**Data Source:** 2007 Legislative budget bill  
**Note:** Refunds for FY08 will not be processed until the following fiscal year. The legislative estimate for FY09 is $2.6 million.

80. **Refund for Railroad Intermodal Facilities**  
**Citation:** G.S. 105-164.14(n)  
**Description:** Effective January 1, 2007, the owner or lessee of an eligible railroad intermodal facility is allowed an annual refund of sales and use taxes paid by it under this Article on building materials, building supplies, fixtures, and equipment that become a part of the real property of the facility.

**Estimate (in millions):** $0  
**Note:** Refunds for FY08 will not be processed until the following fiscal year.

**Preferential tax rates**

81. **Manufactured Homes**  
**Citation:** G.S. 105-164.4(a)(1a)  
**Description:** Tax rate of 2% on sales of manufactured homes, with a maximum of $300. Each section of a manufactured home that is transported separately to the site where it is to be erected is a separate article.

**Estimate (in millions):** $15.9  
**Data Source:** Department of Revenue sales and use tax database; sales prices on manufactured homes from US Census Bureau
Sales and Use Tax

82. **Aircraft and Boats**  
**Citation:** G.S. 105-164.4(a)(1b)  
**Description:** Tax rate of 3% on the retail sale of each aircraft or boat. The maximum tax is $1,500 per article.  

Estimate (in millions): $13.2  

**Data Source:** Department of Revenue sales and use tax database; National Marine Manufacturers Association

83. **Electricity to Commercial Laundries**  
**Citation:** G.S. 105-164.4(a)(1f)  
**Description:** Tax rate of 2.83% for sale of electricity to commercial laundries or dry-cleaning establishments.  

Estimate (in millions): $0.5  

**Data Source:** Department of Revenue sales and use tax database  

**Note:** Prior to October 1, 2007, sales of electricity to farmers were included in this item.

84. **Electricity to Aluminum Smelting Facility**  
**Citation:** G.S. 105-164.4(a)(1h)  
**Description:** Tax rate of 0.17% applies to sales of electricity to aluminum smelting facility.  

Estimate (in millions): $0  

**Data Source:** Department of Revenue sales and use tax database

85. **Electricity to Manufacturers at 2.6%**  
**Citation:** G.S. 105-164.4(a)(1i)  
**Description:** As of July 1, 2007, the sales and use tax for electricity sold to a manufacturing industry or plant for its operation is 2.6%. The electricity must be measured by a separate meter or another separate device. Prior to July 1, 2007, electricity sold to a manufacturer was taxed at 2.83%.  

Estimate (in millions): $6.8  

**Data Source:** Department of Revenue sales and use tax database  

**Note:** Effective July 1, 2007 through September 30, 2007. The tax rate was 2.83% prior to this date (G.S. 105-164(a)(1f)b).
86. **Electricity to Manufacturers and Farmers at 1.8%**  
**Citation:** G.S. 105-164.4(a)(1j)  
**Description:** Effective October 1, 2007 through July 1, 2008, the sales and use tax for electricity sold to a manufacturing industry or a farmer for non-household purposes is 1.8%.

**Estimate (in millions):** $22.0  
**Data Source:** Department of Revenue sales and use tax database

**Note:** The tax rate is lowered annually through July 1, 2010, when electricity purchased by these industries becomes exempt from tax.

87. **Electricity to Commercial Businesses and Residences**  
**Citation:** G.S. 105-164.4(4a)  
**Description:** Tax rate of 3% for gross receipts derived from sales of electricity, other than sales of electricity subject to tax under another subdivision of this section.

**Estimate (in millions):** $105.0  
**Data Source:** Department of Revenue sales and use tax database

88. **Modular Homes**  
**Citation:** G.S. 105-164.4(a)(8)  
**Description:** Tax rate of 2.5% on sales of modular homes.

**Estimate (in millions):** $4.6  
**Data Source:** Department of Revenue sales and use tax database

**Note:** The estimate includes the 20% of modular home sales tax revenues sent to local governments under G.S. 105-164.44G.
Sales and Use Tax

Caps

89. **Out-of-State Call Centers**
   **Citation:** G.S. 105-164.4C(f)
   **Description:** The gross receipts tax on telecommunications service that originates outside this State, terminates in this State, and is provided by a call center that has a direct pay permit may not exceed $50,000.

   **Estimate (in millions):** Unavailable

   **Note:** There were six eligible call centers. Not enough information was available from tax returns to determine cost.

90. **Cap on Tax of Aviation Fuel for Interstate Passenger Air Carriers**
   **Citation:** G.S. 105-164.14(a1)
   **Description:** The maximum amount of sales tax paid by an interstate passenger air carrier in a calendar year is $2,500,000.

   **Estimate (in millions):** $3.0

   **Data Source:** Department of Revenue sales tax and motor fuel tax records

   **Note:** This provision sunsets on January 1, 2009.
Highway Use Tax (Article 5A)

Tax Base Information

The highway use tax is applied to retail sales or leases of motor vehicles in North Carolina. The tax rate on sales and long-term leases is 3%, while there is an 8% tax on short-term leases.

In Fiscal Year 2005-06, the total amount of tax collected was $627 million, mostly from retail sales. A large percentage of these funds are deposited into the Highway Trust Fund.

Expenditures

1. Trade-In Allowance
   Citation: G.S. 105-187.3(b)
   Description: The retail value of a motor vehicle for which a certificate of title is issued is reduced by the amount of any allowance given by the seller for a motor vehicle taken in trade as a full or partial payment for the purchased motor vehicle.
   Estimate (in millions): $110.0
   Data Source: Comparison of North Carolina and Kentucky revenues (Kentucky does not have trade-in allowance for new cars).

2. Class A or Class B Commercial Motor Vehicles and Recreational Vehicles
   Citation: G.S. 105-187.3(a)
   Description: The tax on Class A or Class B commercial motor vehicles is capped at $1,000 and the tax on recreational vehicles is capped at $1,500.
   Estimate (in millions): $12.5
   Data Source: Highway use tax database, NC Department of Motor Vehicles

3. Vehicles Modified for Disabled Individuals
   Citation: G.S. 105-187.6(a)(7)
   Description: Full exemption when a certificate of title is issued to a handicapped person from DHHS after the vehicle has been equipped by DHHS for use by handicapped.
   Estimate (in millions): less than $0.1
   Data Source: NC Department of Health and Human Services
Highway Use Tax

4. **Vehicles Leased to Public School Driver Education Programs**  
   **Citation:** G.S. 105-187.6(a)(8)  
   **Description:** Full exemption when a certificate of title is issued to a local board of education for use in a driver education program when the vehicle is transferred back to retailer within 300 days or from another board of education.

   **Estimate (in millions):** less than $0.1

   **Data Source:** NC Department of Education; local schools

5. **Volunteer Fire and Rescue Squad Vehicles**  
   **Citation:** G.S. 105-187.6(a)(9)  
   **Description:** Full exemption for volunteer fire dept. or rescue squad.

   **Estimate (in millions):** $0.3

   **Data Source:** Highway use tax database, NC Department of Motor Vehicles

6. **Secured Party with Perfected Interest**  
   **Citation:** G.S. 105-187.6(b)(1)  
   **Description:** Maximum tax of $40 when a certificate is issued to a secured party who has a perfected interest in the motor vehicle.

   **Estimate (in millions):** $3.0

   **Data Source:** Highway use tax database, NC Department of Motor Vehicles

   **Note:** Includes item #7.

7. **Sales to Related Businesses**  
   **Citation:** G.S. 105-187.6(b)(2)  
   **Description:** Maximum of $40 when a certificate of title is issued to a business that is not a separate entity from the seller.

   **Estimate (in millions):** included in item #6

8. **Vehicles Titled in Another State**  
   **Citation:** G.S. 105-187.6(c)  
   **Description:** Maximum tax of $150 if vehicle has been titled in another state for at least 90 days.

   **Estimate (in millions):** $1.9

   **Data Source:** Highway use tax database, NC Department of Motor Vehicles
9. **Credit for Tax Paid in Another State**  
   **Citation:** G.S. 105-187.7(a)  
   **Description:** Credit for amount of tax paid in another state within 90 days of applying for title.  
   
   **Estimate (in millions):** Unavailable

10. **Credit for Tax Paid in Another State if Previously Titled in NC**  
   **Citation:** G.S. 105-1987.7(b)  
   **Description:** Credit for amount paid in another state within 1 year if vehicle was previously titled in NC.  
   
   **Estimate (in millions):** Unavailable

11. **Return of Purchased Vehicle**  
   **Citation:** G.S. 105-187.8  
   **Description:** Refund for return of purchased vehicle within 90 days of purchase.  
   
   **Estimate (in millions):** Unavailable
Scrap Tire Disposal Tax

Scrap Tire Disposal Tax (Article 5B)

Tax Base Information

For tires with bead diameter less than 20 inches, the tax rate is 2%. For tires with bead diameter 20 inches or greater, the tax rate is 1%.

In Fiscal Year 2006-07, $4.6 million was collected for State agencies from this tax. During this period, an additional $9.2 million was raised for local government reserves.

Expenditures

1. Exemption for Certain Tire Sales
   Citation: G.S. 105-187.18
   Description: Exemption for bicycle tires, recapped tires, tires sold for placement on new vehicle.

   Estimate (in millions): Unavailable
White Goods Disposal Tax (Article 5C)

Tax Base Information

The tax is imposed on a white goods retailer at a flat rate of $3 for each new white good sold.

In Fiscal Year 2006-07, $1.9 million was collected for State agencies from this tax. During this period, an additional $3.4 million was raised for local government reserves.

Expenditures

1. **Refund for Large Purchases**
   
   **Citation:** G.S. 105-187.23
   
   **Description:** Refund of 60% for person who buys at least 50 new white goods of any kind in the same sale.
   
   **Estimate (in millions):** less than $0.1
   
   **Data Source:** Department of Revenue records
Piped Natural Gas Tax

**Piped Natural Gas Tax (Article 5E)**

**Tax Base Information**

The tax is imposed on piped natural gas received for consumption in this State. The marginal tax rate declines as the amount of piped gas consumed increases. For the first 200 therms used in a month, the tax rate is 4.7%. The rate declines to 0.3% for therms over 500,000.

In Fiscal Year 2006-07, $61.5 million was collected from this tax. Approximately $25.4 million of this amount was transferred to cities.

**Expenditures**

1. **Gas Received from a Gas City**
   - **Citation:** G.S. 105-187.41(c)
   - **Description:** Exemption for gas received from a gas city.
   - **Estimate (in millions):** $4.0
   - **Data Source:** State revenues from piped natural gas tax from Department of Revenue; proportion of gas provided by gas cities calculated from NC Utilities Commission report and 2000 US Census.

2. **Reduced Rate for Manufacturers and Farmers**
   - **Citation:** G.S. 105-187.41(d)
   - **Description:** Effective October 1, 2007 through July 1, 2008, the tax rate for a manufacturing industry or a farmer for non-household purposes is based on the following schedule: $.032 for the first 200 therms, $.024 for therms between 201 and 15,000, $.016 for 15,001 to 60,000 therms, $.010 for 60,001 to 500,000 therms, and $.002 for each therm over 500,000.
   - **Estimate (in millions):** $9.0
   - **Data Source:** Legislative fiscal note for SB 3(2007)
   - **Note:** The tax rate is lowered annually through July 1, 2010, when piped natural gas purchased by these industries becomes exempt from tax.
Gift Taxes (Article 6)

Tax Base Information

A tax is imposed on transfers of real or personal property located in the State. Tax rates differ by the relationship between the donor and donee and the amount of the net gift.

In Fiscal Year 2006-07, $15.8 million was collected from this tax.

Expenditures

1. Annual Exclusion Amount
   Citation: G.S. 105-188(d)
   Description: Annual exclusion amount equal to the IRS exclusion -- $12,000 per donee in 2007. Married couples may combine their exclusions, effectively increasing the exclusion to $24,000.

   Estimate (in millions): $19.9

   Data Source: Gift Tax Statistics, Statistics of Income Division, Internal Revenue Service

   Note: The 2008 estimate is based on the exclusion amount remaining $12,000.

2. Lifetime Exemption Amount
   Citation: G.S. 105-188(g)
   Description: Lifetime exemption of $100,000 to donees in family.

   Estimate (in millions): $0.2

   Data Source: Calculations based on Gift Tax Statistics, Statistics of Income Division, Internal Revenue Service

3. Gifts to State and Nonprofits
   Citation: G.S. 105-188(h)
   Description: Exemption for gifts to State, nonprofits in NC, nonprofits in other States if certain conditions are met.

   Estimate (in millions): $5.6

   Data Source: Gift Tax Statistics, Statistics of Income Division, Internal Revenue Service
Taxes on Insurance Companies

Taxes on Insurance Companies (Article 8B)

Tax Base Information

The tax on an insurer is measured by gross premiums from business done in this State during the calendar year. The basic tax rate is 1.9%. However, premiums on worker compensation plans are taxed at 2.5% and there are additional taxes on premiums related to fire and lightning insurance coverage.

In Fiscal Year 2006-07, $514.4 million was collected from this tax.

Expenditures

1.  Federally Tax-Exempt Pensions, Annuities or Profit-Sharing Plan
   Citation:  G.S. 105-228.5(c)(1)
   Description:  Excludes premiums connected with funding a pension, annuity or profit-sharing plan qualified or exempt under the Code.
   Estimate (in millions):  Unavailable

2.  Premiums Received from Annuities
   Citation:  G.S. 105-228.5(c)(2)
   Description:  Excludes premiums if received from annuities, as defined in G.S. 58-7-15.
   Estimate (in millions):  $106.4
   Data Source:  Life and Annuity Business financial summary for 2005, North Carolina Department of Insurance

3.  Premiums Related to Funding Agreements
   Citation:  G.S. 105-228.5(c)(3)
   Description:  Excludes premiums if connected with funding agreements defined in G.S. 58-7-16.
   Estimate (in millions):  $36.1
   Data Source:  Life and Annuity Business financial summary for 2005, North Carolina Department of Insurance
4. **Automobile Premiums for Additional Rate on Property Coverage Contracts**  
   **Citation:** G.S. 105-228.5(d)(3)  
   **Description:** Only 10% of the gross premiums from insurance contracts for automobile physical damage coverage are taxed compared to 100% of all other types of property coverage.

   **Estimate (in millions):** $8.0

   **Data Source:** Department of Revenue Insurance Tax database

   **Note:** This provision was effective beginning January 1, 2008. Prior to that date, the provision did not tax automobile or marine property coverage. Also, homeowners policies were only taxed at 50% and farm owners policies were taxed at 30% of premium values. In addition, the tax rate was lowered from 1.33% prior to January 1, 2008, to 0.74% and an additional fire district tax of 0.5% was eliminated. The estimate only includes the impact on the General Fund -- 45% of the revenues from this tax are distributed elsewhere.

5. **Farmers' Mutual Assessment Fire Insurance Companies and Fraternal Organizations**  
   **Citation:** G.S. 105-228.5(g)  
   **Description:** Excludes farmers' mutual assessment fire insurance companies and nonprofit fraternal organizations.

   **Estimate (in millions):** $2.8

   **Data Source:** North Carolina Department of Insurance, 2005

6. **Assessments paid to Insurance Guaranty Association and Life and Health Insurance Guaranty Association**  
   **Citation:** G.S. 105-228.5A  
   **Description:** Credit against gross premiums for assessments paid to the Insurance Guaranty Association and the Life and Health Insurance Guaranty Association.

   **Estimate (in millions):** $20.1

   **Data Source:** Department of Revenue Insurance Tax database
Excise Stamp Tax on Conveyances

**Excise Stamp Tax on Conveyances (Article 8E)**

**Tax Base Information**

This tax is levied on each instrument by which any interest in real property is conveyed to another person. The tax rate is $1 on each $500 of real property value or fractional part thereof.

This tax applies to timber deeds and contracts for the sale of standing timber as if these were transfers of real property.

Fifty percent of the taxes collected are deposited in county funds, and the counties may also retain an additional 2% for administrative costs.

In Fiscal Year 2006-07, $74.4 million was collected by the State from this tax. The proceeds are deposited into the Natural Heritage Trust Fund and the Parks and Recreation Trust Fund. None go directly to the General Fund.

**Expenditures**

1. **Transfers of Property by Operation of Law**
   
   **Citation:** G.S. 105-228.29(1)
   
   **Description:** The tax does not apply to transfer of real property if by operation of law.
   
   **Estimate (in millions):** less than $0.1
   
   **Data Source:** County deed statistics

2. **Transfers of Property by Lease**
   
   **Citation:** G.S. 105-228.29(2)
   
   **Description:** The tax does not apply to a transfer by lease for a term of years.
   
   **Estimate (in millions):** $4.8
   
   **Data Source:** Data on revenues of Real Estate Lessors in North Carolina from 2002 Economic Census
   
   **Note:** The estimate is based on the leased price of the property, not on the total value of the property.
3. Transfers of Property Pursuant to a Will
   Citation: G.S. 105-228.29(3)
   Description: The tax does not apply to transfers pursuant to a will.
   Estimate (in millions): $5.4
   Data Source: NC Superior Court; Survey of Income and Program Participation, US Census Bureau
   Note: Includes item #4.

4. Transfers of Property by Intestacy
   Citation: G.S. 105-228.29(4)
   Description: The tax does not apply to transfers by intestacy.
   Estimate (in millions): included in item #3

5. Transfers of Property by Gift
   Citation: G.S. 105-228.29(5)
   Description: The tax does not apply to transfers by gift.
   Estimate (in millions): Unavailable

6. Transfers Involving No Payments
   Citation: G.S. 105-228.29(6)
   Description: The tax does not apply if no consideration in property or money is due or paid by the transferee to the transferor.
   Estimate (in millions): less than $0.1
   Note: If no money is paid, the value of the real estate is likely to be low.

7. Transfers by Merger, Conversion or Consolidation
   Citation: G.S. 105-228.29(7)
   Description: The tax does not apply if transfer is by merger, conversion or consolidation.
   Estimate (in millions): Unavailable

8. Transfers by Instrument Securing Debt
   Citation: G.S. 105-228.29(8)
   Description: The tax does not apply if transfer is by an instrument securing indebtedness.
   Estimate (in millions): $1.3
   Data Source: County deed statistics
Excise Tax on Motor and Alternative Fuels

Excise Tax on Motor Fuels (Article 36C) and Alternative Fuels (Article 36D)

Tax Base Information

The motor fuel excise tax rate consists of a per gallon flat rate (17.5¢) plus a variable wholesale component which is the greater of either 3.5¢ or 7% of the average wholesale price of motor fuel for an applicable 6-month base period.

The tax base includes only fuel for vehicles licensed for highway use. Fuels sold for non-highway use are exempt from the Motor Fuels Tax but are subject to the Sales and Use Tax.

The tax rate on Alternative Fuels is set “equivalent” to the tax on motor fuels, as determined by the Secretary of Revenue.

In Fiscal Year 2006-07, approximately $1.2 billion was collected from this tax.

Expenditures

1. Fuel Tax Rate Cap
   Citation: G.S. 105-449.80(a)
   Description: The variable wholesale component of the motor fuel excise tax may not be more than 12.4 cents per gallon. This provision is effective from July 1, 2006 to June 30, 2009.
   Estimate (in millions): $81.8
   Data Source: US Department of Energy monthly petroleum and diesel wholesale prices
   Note: The estimate assumes that the tax rate for January through June of 2008 would have been 32.9 cents without the cap. The tax rate for the period from July 2007 through December 2007 was below the cap.

2. Sales to Local Boards of Education
   Citation: G.S. 105-449.88(4)
   Description: Exemption for motor fuel sales to local boards of education.
   Estimate (in millions): $7.2
   Data Source: Motor Fuels Tax Division, Department of Revenue

3. Sales to Charter Schools
   Citation: G.S. 105-449.88(6)
   Description: Exemption for motor fuels sales to charter schools.
   Estimate (in millions): less than $0.1
   Data Source: Motor Fuels Tax Division, Department of Revenue
4. **Sales to Community Colleges**  
**Citation:** G.S. 105-449.88(7)  
**Description:** Exemption for motor fuel sales to community colleges.  
**Estimate (in millions):** less than $0.1  
**Data Source:** Motor Fuels Tax Division, Department of Revenue

5. **Sales to County or Municipal Corporation**  
**Citation:** G.S. 105-449.88(8)  
**Description:** Exemption for motor fuel sales to county or municipal corporation.  
**Estimate (in millions):** $13.5  
**Data Source:** Motor Fuels Tax Division, Department of Revenue

6. **Biodiesel Used in the Producer's Vehicle**  
**Citation:** G.S. 105-449.88(9)  
**Description:** Effective October 1, 2007: Exemption for biodiesel that is produced by an individual for use in a private passenger vehicle registered in that individual's name.  
**Estimate (in millions):** less than $0.1  
**Note:** It is improbable that production in this manner would exceed 300,000 gallons in Fiscal Year 2008.

7. **Discount for Timely Payment -- Distributors**  
**Citation:** G.S. 105-449.93(b)  
**Description:** 1% discount to licensed distributor for timely payment.  
**Estimate (in millions):** $13.1  
**Data Source:** Summary tax collection data, Department of Revenue

8. **Refunds to Distributors in Lieu of Discount**  
**Citation:** G.S. 105-449.95  
**Description:** Hold harmless refunds to distributors and some importers -- refunds in lieu of discounts in G.S. 105-449.93(b).  
**Estimate (in millions):** $0.5  
**Data Source:** Motor Fuels Tax Division, Department of Revenue
9. **Discount for Collection Expense – Suppliers**
   **Citation:** G.S. 105-449.97(b)
   **Description:** 0.1% discount to supplier for timely payment.

   **Estimate (in millions):** $1.0

   **Data Source:** Motor Fuels Tax Division, Department of Revenue

10. **Discount for Timely Filing and Payments – Sales to Unlicensed Distributors or Bulk-End Users**
    **Citation:** G.S. 105-449.97(c)
    **Description:** A supplier that sells motor fuel directly to an unlicensed distributor or to the bulk-end user, the retailer, or the user of the fuel may take the same percentage discount on the fuel that a licensed distributor may take under G.S. 105-449.93(b) when making deferred payments of tax to the supplier.

    **Estimate (in millions):** included in item #9

11. **Damage to Conveyance**
    **Citation:** G.S. 105-449.105(b)
    **Description:** Exemption for loss of fuel due to damage to a conveyance transporting the motor fuel, fire, a natural disaster, an act of war, or an accident.

    **Estimate (in millions):** less than $0.1

    **Data Source:** Motor Fuels Tax Division, Department of Revenue

12. **Accidentally Combining Fuels**
    **Citation:** G.S. 105-449.105(c)
    **Description:** Refund for accidentally combining any of the following: (1) dyed diesel fuel with tax-paid motor fuel, (2) gasoline with diesel fuel, or (3) undyed diesel fuel with dyed kerosene.

    **Estimate (in millions):** less than $0.1

    **Data Source:** Motor Fuels Tax Division, Department of Revenue

13. **Certain Government-Related Entities and Nonprofits**
    **Citation:** G.S. 105-449.106(a)
    **Description:** Refunds or tax less 1 cent per gallon for nonprofits and local government entities in the following list: (1) private nonprofit organization that transports passengers under contract with or at the express designation of a unit of local government, (2) a volunteer fire department, (3) a volunteer rescue squad, (4) a sheltered workshop recognized by the Department of Health and Human Services.

    **Estimate (in millions):** $0.7

    **Data Source:** Motor Fuels Tax Division, Department of Revenue
14. **Refunds for Taxicabs**  
**Citation:** G.S. 105-449.106(b)  
**Description:** Refunds of tax less 1¢ per gallon for taxicabs and local city transit systems.  

**Estimate (in millions):** $0.4

**Data Source:** Motor Fuels Tax Division, Department of Revenue

**Note:** City-run transit systems receive the complete exemption under item #5.

15. **Partial Refund for Power Takeoff Vehicles**  
**Citation:** G.S. 105-449.107(b)  
**Description:** Annual refund of 33.3% of taxes for certain vehicles, less sales tax. The vehicles include concrete mixing vehicles; solid waste compacting vehicle; bulk feed vehicle that delivers feed to poultry or livestock and uses a power takeoff to unload the feed; a vehicle that delivers lime or fertilizer in bulk to farms and uses a power takeoff to unload the lime or fertilizer; a tank wagon that delivers alternative fuel or motor fuel or another type of liquid fuel into storage tanks and uses a power takeoff to make the delivery; or a commercial vehicle that delivers and spreads mulch, soils, composts, sand, sawdust, and similar materials and that uses a power takeoff to unload, blow and spread the materials.

**Estimate (in millions):** $2.8

**Data Source:** Motor Fuels Tax Division, Department of Revenue
Appendix

Appendix A: Major Federal Tax Expenditures

The tax bases for North Carolina income taxes begin with Federal taxable income. As such, most federal exemptions and deductions “flow through” to State income taxes. The following table shows the twenty top federal tax expenditures in Fiscal Year 2007-08 as measured by the Joint Committee on Taxation. For each of these, we note whether the expenditure is passed through to North Carolina income taxes.

<table>
<thead>
<tr>
<th>Federal Tax Expenditures</th>
<th>FY08 U.S. Total $Billions</th>
<th>Passed through to State income taxes?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Net exclusion of pension contributions and earnings: Employer plans</td>
<td>115.2</td>
<td>Y</td>
</tr>
<tr>
<td>2 Exclusion of employer contributions for health care, health insurance premiums, and long-term care insurance premiums</td>
<td>107.0</td>
<td>Y</td>
</tr>
<tr>
<td>3 Reduced rates of tax on dividends and long-term capital gains</td>
<td>101.7</td>
<td>N</td>
</tr>
<tr>
<td>4 Deduction for mortgage interest on owner-occupied residences</td>
<td>80.7</td>
<td>Y</td>
</tr>
<tr>
<td>5 Exclusion of capital gains at death</td>
<td>53.2</td>
<td>Y</td>
</tr>
<tr>
<td>6 Tax credit for children under age 17</td>
<td>46.1</td>
<td>N</td>
</tr>
<tr>
<td>7 Earned income credit (EIC)</td>
<td>43.5</td>
<td>N</td>
</tr>
<tr>
<td>8 Deduction for charitable contributions, other than for education and health</td>
<td>35.9</td>
<td>Y</td>
</tr>
<tr>
<td>9 Exclusion of benefits provided under cafeteria plans</td>
<td>33.4</td>
<td>Y</td>
</tr>
<tr>
<td>10 Exclusion of investment income on life insurance and annuity contracts</td>
<td>29.4</td>
<td>Y</td>
</tr>
<tr>
<td>11 Exclusion of interest on public purpose State and local government bonds</td>
<td>29.3</td>
<td>N</td>
</tr>
<tr>
<td>12 Deduction of nonbusiness State and local government income, sales, and personal property taxes</td>
<td>27.3</td>
<td>N*</td>
</tr>
<tr>
<td>13 Exclusion of capital gains on sales of principal residences</td>
<td>25.7</td>
<td>Y</td>
</tr>
<tr>
<td>14 Exclusion of untaxed social security and railroad retirement benefits</td>
<td>24.8</td>
<td>Y</td>
</tr>
<tr>
<td>15 Exclusion of Medicare benefits: Hospital insurance (Part A)</td>
<td>22.5</td>
<td>Y</td>
</tr>
<tr>
<td>16 Depreciation of equipment in excess of the alternative depreciation system</td>
<td>19.9</td>
<td>Y</td>
</tr>
<tr>
<td>17 Net exclusion of pension contributions and earnings: Individual retirement plans</td>
<td>15.5</td>
<td>Y</td>
</tr>
<tr>
<td>18 Exclusion of Medicare benefits: Supplementary medical insurance (Part B)</td>
<td>15.4</td>
<td>Y</td>
</tr>
<tr>
<td>19 Deduction for property taxes on owner-occupied residences</td>
<td>13.5</td>
<td>Y</td>
</tr>
<tr>
<td>20 Net exclusion of pension contributions and earnings: Keogh plans</td>
<td>10.8</td>
<td>Y</td>
</tr>
</tbody>
</table>

*Personal property taxes are passed through, but these are relatively small.

Note: The federal FY08 began October 1, 2007

Appendix B: Other Tax Exclusions and Exemptions

These additional expenditures are not estimated because they are necessary for the ordinary functioning of the tax system.

Privilege Tax

1. Amusements on Cherokee Indian Reservations
   Description: Exemption from tax for all amusements offered or given on the Cherokee Indian Reservation when the person is authorized to do business on the reservation and pays the tribal gross receipts tax.
   Citation: G.S. 105-40(9)
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

Bank Annual Privilege Tax

2. Assets of U.S. Banks Employed Outside N.C.
   Description: Deduction for assets of U.S. banks that are employed outside the State of North Carolina.
   Citation: G.S. 105-102.3
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

3. Certain Assets of International Banks
   Description: Deduction for assets of an international banking facility employed outside the United States.
   Citation: G.S. 105-102.3
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

Tobacco Tax

4. Sales to Distributors
   Description: Manufacturers shipping cigarettes to other distributors are exempt.
   Citation: G.S. 105-113.1
   Reason for Excluding from Tax Expenditure List: Double Taxation

5. Out-of-State Shipments
   Description: A distributor is exempt from tax if possession is for out-of-state shipments.
   Citation: G.S. 105-113.9
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

6. Out-of-State Sales
   Description: Exemption for tobacco products sold outside the State.
   Citation: G.S. 105-113.35(a)(1)
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions
Appendix

7. Sales to Federal Government
   Description: Exemption for tobacco products sold to the federal government.
   Citation: G.S. 105-113.35(a)(2)
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

8. Sales of Sample Tobacco Products Distributed without Charge
   Description: Exemption for a sample tobacco product distributed without charge.
   Citation: G.S. 105-113.35(a)(3)
   Reason for Excluding from Tax Expenditure List: Not Sales

Alcoholic Beverage License and Excise Taxes

9. Unsalable Beverages
   Description: Exemption if beverage is unsalable due to a major disaster.
   Citation: G.S. 105-113.81(a)
   Reason for Excluding from Tax Expenditure List: Not Sales

10. Sales to Ocean-Going Vessels
    Description: Exemption if beverage is sold for use on an ocean-going vessel.
    Citation: G.S. 105-113.81(b)
    Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

11. Sales to U.S. Armed Forces
    Description: Exemption if beverage is sold to the U.S. Armed Forces.
    Citation: G.S. 105-113.81(c)
    Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

12. Out-of-State Sales
    Description: Exemption if beverage is sold outside the State.
    Citation: G.S. 105-113.81(d)
    Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

13. Free Tastings
    Description: Exemption for tasting given free of charge on the manufacturer's licensed premises for consumption on the premises.
    Citation: G.S. 105-113.81(e)
    Reason for Excluding from Tax Expenditure List: Not Sales
Franchise Tax

14. **Adjustment for Capital Stock of International Banking Facility**
   **Description:** The capital base of international banking facilities may be reduced by the excess of the amount of all assets employed outside the U.S. over liabilities owed to foreign persons.
   **Citation:** G.S. 105-122(b)
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

15. **Insurance Companies**
   **Description:** Exemption for an insurance company subject to tax under Article 8B of this Chapter.
   **Citation:** G.S. 105-125(a)(2)
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

16. **Transfers of Debt**
   **Description:** For debtor corporations, a proportionate part of debt determined on the bases of the ratio of capital borrowed by a creditor corporation from a source other than a parent, subsidiary or affiliate to the total assets of the creditor corporation. For creditor corporations, the amount of any debt owed to it by a parent, subsidiary, or affiliated corporation to the extent that such debt has been included in the tax base of the parent, subsidiary, or affiliated debtor corporation reporting for taxation under the provisions of this section.
   **Citation:** G.S. 105-122(b)
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

Corporation Income Tax

17. **Dividends Treated as Received from Outside the U.S.**
   **Description:** Deduction for dividends treated as received from sources outside the United States as determined under Section 862 of the Code, net of related expenses, to the extent included in federal taxable income.
   **Citation:** G.S. 105-130.5(b)(3a)
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

18. **Dividends Received from Outside the U.S.**
   **Description:** Deduction for any amount included in federal taxable income under Section 78 or Section 951 of the Code, net of related expenses.
   **Citation:** G.S. 105-130.5(b)(3b)
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions


19. Adjustment for Federal Tax Credits
Description: Deduction for business expenses when a federal tax credit was taken in lieu of a deduction.
Citation: G.S. 105-130.5(b)(11)
Reason for Excluding from Tax Expenditure List: Not in Taxable Base: In the Code, there are some activities that may receive either a tax credit or a deduction from taxable income, but not both. If the taxpayer chooses to take the credit, she may deduct the alternative allowable Federal deduction when calculating North Carolina taxable income. This adjustment is needed to realign the North Carolina taxable income base with federal taxable income. Many of these deductions are related to the federal Work Opportunity, Welfare-to-Work, and fuel tax credits.

20. Additional First-Year Depreciation
Description: In each of the first five taxable years beginning in 2005, taxpayers may deduct 20% of the amount added to taxable income in a previous year as accelerated depreciation under subdivision (a)(15) of this section.
Citation: G.S. 105-130.5(b)(21)
Reason for Excluding from Tax Expenditure List: Not in Taxable Base: In 2002, 2003, and 2004, taxpayers were required to add back any bonus first-year depreciation allowed by the federal government to calculate their North Carolina taxable income. Thus this provision allows for a "normal" deduction for depreciation.

21. Exemption for Adding Back Paid Royalties to Taxable Income
Description: A taxpayer that pays royalties to a related member that does not include this income on a North Carolina income tax return must add these payments to their taxable income. However, the addback may be foregone if the recipient of the payment is organized under the laws of another country that has a tax treaty with the U.S. and the country imposes a tax on the royalty income of the recipient at a rate that is equal to or exceeds the State's corporate income tax rate.
Citation: G.S. 105-130.7A(c)(3)
Reason for Excluding from Tax Expenditure List: Constitutional Restrictions

22. Insurance Companies, Except for Unrelated Income
Description: Insurance companies paying the tax on gross premiums as specified in G.S. 105-228.5 (These companies are not exempt from income tax on unrelated business income).
Citation: G.S. 105-130.11(a)(10)
Reason for Excluding from Tax Expenditure List: Double Taxation

23. Real Estate Mortgage Investment Conduits
Description: An entity that qualifies as a real estate mortgage investment conduit, per Section 860D of the Code is exempt.
Citation: G.S. 105-130.11(d)
Reason for Excluding from Tax Expenditure List: Double Taxation
24. Distributed Earnings of Regulated Investment Companies and Real Estate Investment Trusts
   Description: A regulated investment company or real estate investment trust shall be taxed only on that part of its net income which is not distributed or declared for distribution to shareholders.
   Citation: G.S. 105-130.12
   Reason for Excluding from Tax Expenditure List: Double Taxation

25. Payments Received from an Affiliated Company That Paid Tax on Payment
   Description: Payment received from a parent, subsidiary or affiliated corporation in excess of fair compensation in inter-company transactions which in the determination of the net income or net loss of such corporation were not allowed as a deduction.
   Citation: G.S. 105-130.5(b)(2)
   Reason for Excluding from Tax Expenditure List: Double Taxation

26. Royalty Payments Taxed by Related Member
   Description: Exemption for royalty payments received from a related member who added the payments to income.
   Citation: G.S. 105-130.5(b)(2)
   Reason for Excluding from Tax Expenditure List: Double Taxation

27. S-Corporation Shareholders
   Description: Credits shall be given to prevent double taxation of S-Corporation shareholders.
   Citation: G.S. 105-131.8
   Reason for Excluding from Tax Expenditure List: Double Taxation

Individual Income Tax

28. Refunds of State, Local or Foreign Taxes in Federal AGI
   Description: Refunds of state, local, and foreign income taxes included in the taxpayer's federal adjusted gross income are exempt.
   Citation: G.S. 105-134.6(b)(5)
   Reason for Excluding from Tax Expenditure List: Double Taxation

29. Income from Federally-Recognized Indian Reservation
   Description: Exemption for income that is (1) earned or received by an enrolled member of a federally recognized Indian Tribe and (2) derived from activities on a federally recognized Indian reservation while the member resides on the reservation.
   Citation: G.S. 105-134.6(b)(9)
   Reason for Excluding from Tax Expenditure List: Constitutional Restrictions
30. **Additional First-Year Depreciation**
   **Description:** In each of the first five taxable years beginning in 2005, taxpayers may deduct 20% of the amount added to taxable income in a previous year as accelerated depreciation under subdivision (a)(15) of this section.
   **Citation:** G.S. 105-134.6(b)(17)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base: In 2002, 2003, and 2004, taxpayers were required to add back any bonus first-year depreciation allowed by the federal government to calculate their North Carolina taxable income. Thus this provision allows for a "normal" deduction for depreciation.

31. **Inheritance or Estate Taxes Included in Federal AGI**
   **Description:** The amount of inheritance or estate tax attributable to an item of income in respect of a decedent required to be included in gross income under the Code may be deducted in the year the item of income is included.
   **Citation:** G.S. 105-134.6(d)(1)
   **Reason for Excluding from Tax Expenditure List:** Double Taxation: This amount has been taxed under North Carolina's inheritance or estate tax.

32. **Federal Tax Credit Allowance**
   **Description:** Deductions not allowed under the Code because the taxpayer took a tax credit in lieu of deduction on federal income tax.
   **Citation:** G.S. 105-134.6(d)(2)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base: In the Code, there are some activities that may receive either a tax credit or a deduction from taxable income, but not both. If the taxpayer chooses to take the credit, she may deduct the alternative allowable Federal deduction when calculating North Carolina taxable income. This adjustment is needed to realign the North Carolina taxable income base with federal taxable income. Examples of this type of deduction are (1) the deduction for higher educational expenses under Section 222 of the Code when taxpayers took a Lifetime Learning or Hope credit on their federal returns and (2) the additional deduction for home mortgage interest for those who took a Mortgage Interest Credit on their federal returns.

33. **Income Taxes Paid to Other States**
   **Description:** Individuals residing in North Carolina may receive a tax credit for income taxes paid to other states. The tax credit may not exceed the amount of income tax that would have been paid to North Carolina on the relevant income.
   **Citation:** G.S. 105-105.151
   **Reason for Excluding from Tax Expenditure List:** Double Taxation: The income has been taxed by another State.
Sales and Use Tax

34. Farm Products Requiring Further Processing
Description: Exemption for sales of cotton, tobacco, peanuts or other farm products sold to manufacturers for further manufacturing or processing.
Citation: G.S. 105-164.13(4)
Reason for Excluding from Tax Expenditure List: Purchase of Intermediate Good

35. Baby Chicks or Poults Sold for Further Production
Description: Exemption for sales of baby chicks and poults sold for commercial poultry or egg production.
Citation: G.S. 105-164.13(4a)
Reason for Excluding from Tax Expenditure List: Purchase of Intermediate Good

36. Manufactured Products Sold for Resale
Description: Exemption for sales of manufactured products produced and sold by manufacturers or producers to other manufacturers, producers, or registered retailers or wholesale merchants, for the purpose of resale.
Citation: G.S. 105-164.13(5)
Reason for Excluding from Tax Expenditure List: Purchase of Intermediate Good

37. Ingredients in Manufacturing Process
Description: Exemption for sales to a manufacturer of tangible personal property that enters into or becomes an ingredient or component part of tangible personal property that is manufactured.
Citation: G.S. 105-164.13(8)
Reason for Excluding from Tax Expenditure List: Purchase of Intermediate Good

38. Fuel for Small Power Production Facility
Description: Exemption for sales to a small power production facility of fuel used by the facility to generate electricity.
Citation: G.S. 105-164.13(8a)
Reason for Excluding from Tax Expenditure List: Purchase of Intermediate Good

39. Articles Repossessed by Vendor
Description: Exemption for sales of an article repossessed by the vendor if the tax was paid on the sales price of the article.
Citation: G.S. 105-164.13(16)
Reason for Excluding from Tax Expenditure List: Not Sales

40. Items for Use on Ocean-Going Vessels
Description: Sales of fuel and other items for use or consumption by or on ocean-going vessels.
Citation: G.S. 105-164.13(24)
Reason for Excluding from Tax Expenditure List: Sales for Use Outside North Carolina

41. Sales on Cherokee Indian Reservation
Description: Exemption for sales by merchants on the Cherokee Indian Reservation.
Citation: G.S. 105-164.13(25)
Reason for Excluding from Tax Expenditure List: Constitutional Restrictions
42. **Sales of Motor Vehicles**  
   **Description:** Sales of motor vehicles, the sale of a motor vehicle body to be mounted on a motor vehicle chassis when a certificate of title has not been issued for the chassis, and the sale of a motor vehicle body mounted on a motor vehicle chassis that temporarily enters the State so the manufacturer of the body can mount the body or chassis.  
   **Citation:** G.S. 105-164.13(32)  
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

43. **Articles Purchased for Resale**  
   **Description:** Exemption for tangible property purchased solely for the purpose of export to a foreign country for exclusive use or consumption in that or some other foreign country.  
   **Citation:** G.S. 105-164.13(33)  
   **Reason for Excluding from Tax Expenditure List:** Sales for Use Outside North Carolina

44. **Purchases Delivered Outside N.C.**  
   **Description:** Exemption for tangible property sold by a retailer to purchasers within or without this State, when the property is delivered in this State to a common carrier or to the United States Postal Service for delivery to the purchaser or the purchaser's designees outside this State and the purchaser does not subsequently use the property in this State.  
   **Citation:** G.S. 105-164.13(33a)  
   **Reason for Excluding from Tax Expenditure List:** Sales for Use Outside North Carolina

45. **Articles Donated by Retailer or Wholesaler**  
   **Description:** Exemption for tangible personal property that is purchased by a retailer for resale or is manufactured or purchased by a wholesale merchant for resale and then withdrawn from inventory and donated by the retailer or wholesale merchant.  
   **Citation:** G.S. 105-164.13(42)  
   **Reason for Excluding from Tax Expenditure List:** Not Sales

46. **Deposit on Returnable Beverage Container**  
   **Description:** Exemption for an amount charged as a deposit on a beverage container that is returnable to the vendor for reuse when the amount is refundable or creditable to the vendee.  
   **Citation:** G.S. 105-164.13(47)  
   **Reason for Excluding from Tax Expenditure List:** Not a Final Sale

47. **Deposit on Returnable Replacement Part**  
   **Description:** Exemption for an amount charged as a deposit on an aeronautic, automotive, industrial, marine or farm replacement part that is returnable to the vendor for rebuilding or remanufacturing when the amount is refundable or creditable to the vendee. This exemption does not include tires or batteries.  
   **Citation:** G.S. 105-164.13(48)  
   **Reason for Excluding from Tax Expenditure List:** Not a Final Sale
48. **Installation Charges**  
   **Description:** Installation charges when separately stated.  
   **Citation:** G.S. 105-164.13(49)  
   **Reason for Excluding from Tax Expenditure List:** Not Sale of Tangible Personal Property

49. **Resold Telecommunications Services**  
   **Description:** Telecommunications service that is a component part of or is integrated into a telecommunications service that is resold.  
   **Citation:** G.S. 105-164.13(54)a  
   **Reason for Excluding from Tax Expenditure List:** Not a Final Sale

**Highway Use Tax**

50. **Resale of Automobile by Manufacturer or Retailer**  
   **Description:** Full exemption when a certificate of title is issued to either a manufacturer or a motor vehicle retailer for the purpose of resale.  
   **Citation:** G.S. 105-187.6(a)(2)  
   **Reason for Excluding from Tax Expenditure List:** Not a Final Sale

51. **Correction in Owner's Name on Title**  
   **Description:** Full exemption when a certificate of title is issued to the same owner to reflect a change or correction in the owner's name.  
   **Citation:** G.S. 105-187.6(a)(3)  
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

52. **Removal of a Co-Owner's Name from Title**  
   **Description:** Full exemption when a certificate is of title is issued to one or more of the same co-owners to reflect the removal of one or more other co-owners.  
   **Citation:** G.S. 105-187.6(a)(3a)  
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

53. **Title Issued by Will or Intestacy**  
   **Description:** Full exemption when a certificate of title is issed by will or intestacy.  
   **Citation:** G.S. 105-187.6(a)(4)  
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

54. **Change in Title Due to Gift Between Close Family Members**  
   **Description:** Full exemption when a certificate of title is issued by a gift between a husband and wife, a parent and child, or a stepparent and a stepchild.  
   **Citation:** G.S. 105-187.6(a)(5)  
   **Reason for Excluding from Tax Expenditure List:** Double Taxation
55. Change in Title Due to Marital Separation or Divorce
   **Description:** Full exemption when a certificate of title is issued by a distribution of marital or divisible property incident to a marital separation or divorce.
   **Citation:** G.S. 105-187.6(a)(6)
   **Reason for Excluding from Tax Expenditure List:** Double Taxation

56. Salvage Vehicles
   **Description:** Full exemption when a certificate of title is issued to the insurer of the motor vehicle because the vehicle is a salvage vehicle.
   **Citation:** G.S. 105-187.6(a)(1)
   **Reason for Excluding from Tax Expenditure List:** Not a Final Sale

**Tax on Insurance Companies**

57. Premiums from Federal Employees Health Benefits Plan and Medicare or Medicaid
   **Description:** Excludes premiums to the extent prohibited by federal law from Federal Employees Health Benefits Plan and Medicare or Medicaid.
   **Citation:** G.S. 105-228.5(c)(4)
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions

**Excise Tax on Motor Fuels and Alternative Fuels**

58. Sales for Out-of-State Use
   **Description:** The excise tax on motor fuel does not apply to motor fuel removed from a terminal for export if the motor fuel is removed by a licensed distributor or a licensed exporter and the supplier of the motor fuel collects tax on it at the rate of the motor fuel's destination state.
   **Citation:** G.S. 105-449.88(1)
   **Reason for Excluding from Tax Expenditure List:** Sale for Use Outside North Carolina

59. Sales to Out-of-State Suppliers
   **Description:** The tax does not apply to motor fuel removed by transport truck from a terminal for export if the motor fuel is removed by a licensed distributor or licensed exporter, the supplier that is the position holder for the motor fuel sells the motor fuel to another supplier as the motor fuel crosses the terminal rack, the purchasing supplier or its customer receives the motor fuel at the terminal rack for export, and the supplier that is the position holder collects the tax on the motor fuel at the rate of the motor fuel's destination state.
   **Citation:** G.S. 105-449.88(1a)
   **Reason for Excluding from Tax Expenditure List:** Sale for Use Outside North Carolina

60. Sales to the Federal Government
   **Description:** The tax does not apply to motor fuel sold to the federal government for its use.
   **Citation:** G.S. 105-449.88(2)
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
61. **Diesel Sold to an Airport**
   **Description:** Exemption for sales of diesel that is kerosene and sold to an airport.
   **Citation:** G.S. 105-449.88(5)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

62. **Refunds for Sale to Exempt Entity**
   **Description:** An entity whose use of motor fuel is exempt from tax may obtain a refund of any motor fuel excise tax the entity pays. The person who sells the fuel to the exempt entity is also allowed to obtain a refund of any taxes paid on the fuel.
   **Citation:** G.S. 105-449.105(a)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

63. **Sale of Kerosene for Uses Not Related to Motor Vehicles**
   **Description:** A distributor who sells kerosene may obtain a refund for the excise tax paid on the kerosene if the distributor dispenses the kerosene into a storage facility for use in: (1) heating, (2) drying crops, (3) a manufacturing process.
   **Citation:** G.S. 105-449.105A(a)(1)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

64. **Sale of Kerosene for Uses Not Related to Motor Vehicles**
   **Description:** A distributor who sells kerosene may obtain a refund for the excise tax paid on the kerosene if the distributor dispenses the kerosene into a storage facility marked "Undyed, Untaxed Kerosene, Nontaxable Use Only" or if it has a dispensing device that is not suitable for fueling a highway vehicle.
   **Citation:** G.S. 105-449.105A(a)(2)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

65. **Motor Fuel for Off-Highway Equipment**
   **Description:** Quarterly refunds of the estimated entire tax to a person who purchases and uses motor fuel to operate special mobile equipment off-highway.
   **Citation:** G.S. 105-449.106(c)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

66. **Sale of Motor Fuel for Uses Not Related to Highway Vehicle**
   **Description:** Refund for purchases and uses of motor fuel for a purpose other than to operate a licensed highway vehicle.
   **Citation:** G.S. 105-449.107(a)
   **Reason for Excluding from Tax Expenditure List:** Not in Taxable Base

67. **Sales to Cherokee Indian Reservation**
   **Description:** Refund for motor fuels and special fuels taxes to the Cherokee Indians on behalf of its members who reside on or engage in otherwise taxable transactions within Cherokee trust lands.
   **Citation:** G.S. 105-449.114
   **Reason for Excluding from Tax Expenditure List:** Constitutional Restrictions
## Appendix C: Confidential Tax Expenditures

The following tax expenditures were taken by so few taxpayers that estimates based on tax information may compromise taxpayer confidentiality if reported.

<table>
<thead>
<tr>
<th>Tax Item</th>
<th>Tax</th>
<th>Citation</th>
<th>Short Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporation Income Tax</td>
<td>18</td>
<td>130.5(b)(13)</td>
<td>Income from International Banking Facility</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>23</td>
<td>130.5(b)(18)</td>
<td>Earnings of Certain Trusts</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>27</td>
<td>130.6A(e)</td>
<td>Expenses Related to Nontaxed Dividends for Bank Holding Company</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>31</td>
<td>130.1</td>
<td>Amortization of Pollution Abatement Facilities and Equipment</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>33</td>
<td>130.6A(f)</td>
<td>Credit for Bank Holding Companies Related to Expenses on Nontaxed Earnings</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>34</td>
<td>130.6A(g)</td>
<td>Credit for Electric Power Holding Companies Related to Expenses on Nontaxed Earnings</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>44</td>
<td>130.45</td>
<td>Credit for Manufacturing Cigarettes for Exportation</td>
</tr>
<tr>
<td>Corporation Income Tax</td>
<td>45</td>
<td>130.46</td>
<td>Alternative Cigarette Export Credit</td>
</tr>
<tr>
<td>Tax Incentives for Recycling Facilities</td>
<td>1</td>
<td>129.27</td>
<td>Credit for Investing in Large or Major Recycling Facility</td>
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<tr>
<td>Tax Incentives for Recycling Facilities</td>
<td>2</td>
<td>129.28</td>
<td>Credit for Reinvestment</td>
</tr>
</tbody>
</table>

Combined estimate of confidential tax expenditures for fiscal year 2007-08 = $53.8 M
Index

A
agriculture, 8, 18, 26, 34, 35, 39, 42, 43, 49, 53, 61, 64, 65, 66, 69, 75, 76, 77, 97, 104, 107, 113, 121, 122, 125
air transportation, 8, 87, 88, 94, 98, 125
aluminum smelting facility, 96

B
biodiesel, 47, 111
boats, 79, 96

capital stock, 23, 25, 28, 30, 33
charities, 8, 15, 16, 25, 34, 40, 47, 56, 66, 69, 85, 92
Cherokee, 115, 121, 125
child care, 34, 65, 69
conservation, 27, 28, 40, 42, 43, 64, 66, 69
contributions, 8, 40, 42, 64, 66, 69, 105

disabled individuals, 19, 41, 56, 64, 69, 82, 99
dividends, 1, 41, 117
dry cleaning, 45, 70, 80, 96

economic losses, 39, 62
education, 15, 16, 25, 34, 36, 40, 49, 91, 92, 93, 100, 110, 111, 120

E
federal tax credit, 47, 118
festivals, 17, 18
film, television and radio, 18, 44, 67, 79, 82, 83
financial institutions, 19, 37, 39, 41, 115, 117

F
food, 8, 84, 85, 86, 91
fuels, 1, 8, 45, 46, 47, 75, 78, 79, 80, 92, 98, 110, 111, 112, 113, 118, 121, 124, 125

H
health care, 46, 81
historic structures, 49
holding companies, 29, 39, 41

I
internet, 12

M
machinery and equipment, 1, 7, 8, 14, 27, 40, 41, 42, 43, 45, 46, 48, 64, 65, 66, 69, 75, 77, 78, 79, 80, 81, 88, 91, 93, 94, 95, 125
manufacturing, 2, 52, 78, 94, 96, 97, 104, 121
military, 59, 116

N
newspapers and printing, 20, 84, 86
nonprofit, 17, 25, 26, 29, 33, 34, 35, 36, 59, 85, 86, 92, 93, 105, 107, 112
North Carolina Enterprise Corporation, 68
North Carolina Information Highway, 90

P
packaging, 80, 83

R
R & D, 51
railroads, 55, 80, 90, 92, 95
real estate, 27, 28, 56, 95, 97, 109, 118, 119, 120
recreational vehicles, 99
recycling, 27, 40, 48, 78, 80, 93
reforestation, 37
Index

refundable tax credit, 44, 48, 50, 63, 67, 122
religious institutions, 15, 19, 22, 25, 34, 85, 92
retailer, 1, 2, 21, 70, 76, 79, 83, 96, 99, 100, 103, 112, 121, 122, 123
retirement plans, 59, 60, 64, 69, 92, 106
software, 87, 91

telecommunications, 12, 25, 33, 35, 42, 78, 89, 90, 92, 93, 98, 123
tobacco, 21, 37, 43, 76, 77, 88, 115, 116, 121
Treasury stock, 28

utilities
electricity, 8, 33, 41, 80, 82, 88, 90, 92, 93, 96, 97, 121
natural gas, 29, 38, 104
renewable energy, 14, 45
water and sewer, 7, 27, 28, 40, 42, 45, 64, 89, 113

wholesaler, 21, 22, 88, 110, 121, 122