

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 450
HOUSE BILL 125

AN ACT TO REWRITE ARTICLE 8D OF CHAPTER 105 OF THE GENERAL STATUTES
GOVERNING THE TAXATION OF SAVINGS AND LOAN ASSOCIATIONS IN
NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. Article 8D of Chapter 105 of the General Statutes is rewritten to read as follows:

"ARTICLE 8D.

"Schedule I-D. Taxation of Building and Loan Associations and Savings and Loan Associations.

"§ 105-228.22. **To whom this Article shall apply.** — The provisions of this Article shall apply to every building and loan association or savings and loan association organized under the laws of this State or organized under the laws of another state and which maintains one or more places of business in this State and to every savings and loan association organized and existing under the 'Home Owners Loan Act of 1933' and which maintains one or more places of business in this State, all such associations hereinafter to be referred to as savings and loan associations.

"§ 105-228.23. **Powers of the administrator of the savings and loan division.** — All provisions of Subchapter I of this Chapter not inconsistent with this Article, relating to administration, auditing and making returns, the imposition and collection of tax and the lien thereof, assessments, refunds, penalties, and appeal and review, shall be applicable to the fees and taxes imposed by this Article; and with respect thereto, the administrator of the savings and loan division is hereby given the same power and authority as is given to the Secretary of Revenue under the provisions of this Chapter. The administrator of the savings and loan division may, from time to time, make, prescribe, and publish such rules and regulations, not inconsistent with law, as may be needful to enforce the provisions of this Article. The Secretary of Revenue shall render such assistance in the audit of returns and the collection of the taxes levied hereunder as the administrator of the savings and loan division shall request.

"§ 105-228.24. **Limitations.** — The taxes levied under this Article shall be in lieu of all other taxes and fees except those imposed by Subchapter I of Chapter 54 and Chapter 54A of the General Statutes and amendments thereto, and except ad valorem taxes imposed upon real property and tangible personal property, and except sales and/or use taxes levied by this State, and except taxes levied on intangible property under G.S. 105-199, 105-200, 105-204 and 105-205.

Counties, cities and towns shall not, after the effective date of this Article, levy any license tax on the business of any savings and loan association subject to taxation under this Article.

"§ 105-228.25. **Filing of returns.** — Every savings and loan association taxed under this Article shall file annually with the administrator of the savings and loan division an income tax return and a franchise tax return. Payment of taxes shall be made with the returns filed. The due dates of such returns and the forms of such returns shall be the same as prescribed for corporations in Article 3 and Article 4 of Subchapter I of this Chapter.

"§ 105-228.26. **Income tax.** — Every savings and loan association doing business in this State shall pay annually an income tax equal to that which the savings and loan association would be required to pay under Article 4 of Subchapter I of this Chapter.

"§ 105-228.27. **Franchise tax.** — Every savings and loan association doing business in this State shall pay annually a franchise tax equal to that which the savings and loan association would be required to pay under Article 3 of Subchapter I of this Chapter if it were a corporation. For purposes of this tax, capital stock does not include any portion of the deposits in a savings and loan association."

Sec. 2. G.S. 105-130.11(a)(2), as the same appears in the 1979 Replacement Volume 2D of the General Statutes, is amended by deleting "capital stock tax and/or excise".

Sec. 3. This act shall become effective January 1, 1982. The share and deposit tax levied under Article 8D of G.S. Chapter 105 prior to the effective date of this act shall not be collected for taxable years beginning on or after that date. This act shall apply for income tax purposes to taxable years beginning on or after January 1, 1982, and shall apply for franchise tax purposes as of December 31, 1982.

In the General Assembly read three times and ratified, this the 26th day of May, 1981.