

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1499
Committee Substitute Favorable 5/2/07

Short Title: Small Business Tax Credit - Military Call-Up.

(Public)

Sponsors:

Referred to:

April 17, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A TAX CREDIT FOR SMALL BUSINESSES TO
OFFSET EMPLOYMENT COSTS ASSOCIATED WITH ACTIVE DUTY
DEPLOYMENT OF MEMBERS OF THE RESERVES OR NATIONAL GUARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 105-129.16E(c)(3) is recodified as G.S. 105-129.15(9).

SECTION 2. Article 3B of Chapter 105 of the General Statutes is amended
by adding a new section to read:

"§ 105-129.16G. Tax credits for Ready Reserve-National Guard employees.

(a) Definitions. – The following definitions apply in this section:

(1) Qualified active duty. – Active duty other than training duty specified in 10 U.S.C. § 10147 or 32 U.S.C. § 502(a) with respect to which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38 of the United States Code or hospitalization incident to active duty described in this subdivision.

(2) Ready Reserve-National Guard employee. – An employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States.

(3) Small business. – A taxpayer that employs no more than 25 eligible employees throughout the taxable year.

(b) Replacement Credit. – A small business that temporarily replaces a Ready Reserve-National Guard employee who is on qualified active duty is allowed a credit under this Article. The amount of the credit is equal to one hundred percent (100%) of the compensation paid to the replacement employee for a period of time not to exceed three months. A small business may not take the credit allowed by this section for more than one replacement employee for each Ready Reserve-National Guard employee per period of qualified active duty. The amount of the credit may not exceed the Ready Reserve-National Guard employee's regular compensation for a three-month period.

1 (c) Returning Ready Reserve-National Guard Employee Credit. – A small
2 business that employs a Ready Reserve-National Guard employee that returns to
3 employment from qualified active duty is allowed a credit under this Article. The
4 amount of the credit is equal to one hundred percent (100%) of the compensation paid
5 to the returning Ready Reserve-National Guard employee for the first month after the
6 employee returns from qualified active duty. The amount of the credit may not exceed
7 the employee's regular compensation for one month.

8 (d) Sunset. – This section expires for taxable years beginning on or after January
9 1, 2012."

10 **SECTION 3.** This act is effective for taxable years beginning on or after
11 January 1, 2007.