

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 345

Short Title: Encourage Invest to Retain Art 3A Installment. (Public)

Sponsors: Senators Garrou and Allran.

Referred to: Finance.

March 15, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO RETAIN AND ENCOURAGE INVESTMENT IN ECONOMICALLY  
3 DISTRESSED TIMES TO REMAIN ELIGIBLE TO TAKE AN INSTALLMENT OF A  
4 CREDIT EARNED UNDER THE BILL LEE ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 105-129.12A(c) reads as rewritten:

7 "(c) Expiration. – If, in one of the seven years in which the installment of a credit  
8 accrues, the property with respect to which the credit was claimed is no longer used in an  
9 eligible business, the credit expires and the taxpayer may not take any remaining installment of  
10 the credit. If, in one of the seven years in which the installment of a credit accrues, part of the  
11 property with respect to which the credit was claimed is no longer used in an eligible business,  
12 the remaining installments of the credit shall be reduced by multiplying it by the fraction  
13 described in subsection (b) of this section. ~~If, in~~In one of the years in which the installment of a  
14 credit accrues and by which the taxpayer is required to have created 200 new jobs at the  
15 property, if (i) the total number of employees the taxpayer employs at the property with respect  
16 to which the credit is claimed is less than 200,200 and (ii) the taxpayer has failed, within two  
17 years of the date the employment fell below 200, to invest at the property at least twice the  
18 value of the remaining installments of the credit, the credit expires and the taxpayer may not  
19 take any remaining installment of the credit.

20 In each of these cases, the taxpayer may nonetheless take the portion of an installment that  
21 accrued in a previous year and was carried forward to the extent permitted under  
22 G.S. 105-129.5."

23 **SECTION 2.** This act is effective for taxable years beginning on or after January 1,  
24 2009.

