Short Title:	Bill Lee Act Changes-AB.	(Public)
Sponsors:	Senators Hoyle and Kerr.	
Referred to:	Finance.	

April 2, 2001

1   A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS
3   EXPANSION ACT.
4 The General Assembly of North Carolina enacts:
5   **SECTION 1.** G.S. 105-129.5(c) reads as rewritten:
6   "(c)   Carryforward. – Any unused portion of a credit with respect to a large
7 investment or with respect to the technology commercialization credit allowed in G.S.
8 105-129.9A may be carried forward for the succeeding 20 years. Any unused portion of
9 a credit may be carried forward for the succeeding 10 years if the Secretary of
10 Commerce certifies when an application for the credit is first made that the taxpayer
11 will purchase or lease, and place in service in connection with the eligible business
12 within a two-year period, at least fifty million dollars ($50,000,000) worth of one or
13 more of the following: real property, machinery and equipment, or central office or
14 aircraft facility property. If the taxpayer fails to make the level of investment certified
15 within this two-year period, the taxpayer forfeits this enhanced carryforward period.
16 Any unused portion of a credit with respect to research and development activities
17 under G.S. 105-129.10 may be carried forward for the succeeding 15 years. Any unused
18 portion of any other credit may be carried forward for the succeeding five years."
19   **SECTION 2.** G.S. 105-129.4(b4) reads as rewritten:
20   "(b4)   Safety and Health Programs. – A taxpayer is eligible for a credit allowed
21 under this Article only if the taxpayer certifies that, as of the time the taxpayer applies
22 for the credit, at the business location with respect to which the credit is claimed, the
23 taxpayer has no ~~outstanding~~ citations under the Occupational Safety and Health Act ~~and~~
24 ~~has had no serious violation as defined in G.S. 95-127 within the last three years.~~that
25 have become a final order within the past three years for willful serious violations or for
26 failing to correct serious violations. For the purposes of this subsection, 'serious
27 violation' has the same meaning as in G.S. 95-127. Additionally, in order to be eligible
28 for a credit under this Article, the taxpayer must have an average lost workday injury

1   and illness case rate over the preceding three years at or below the seventy-fifth
2   percentile of the most recent national lost workday injury and illness case rates
3   published by the Bureau of Labor Statistics of the United States Department of Labor
4   for the taxpayer's employment size within the most specific industry classification of the
5   taxpayer for which the rate is published. The Secretary of Commerce will provide the
6   Department of Labor a list of all taxpayers making this certification. The Department of
7   Labor may conduct random audit checks to verify taxpayers' certifications. The
8   Department of Labor must notify the Department of Revenue of any taxpayer
9   certifications it determines are not accurate."
10   **SECTION 3.** G.S. 105-129.7 is amended by adding a new subsection to
11 read:
12   "(c)   The taxpayer must provide a copy of any information required by the
13 Secretary of Revenue to the Secretary of Commerce. The Secretary of Commerce shall
14 use this information only to evaluate the effectiveness of the credits allowed under this
15 Article and to compile the reports required under G.S. 105-129.6."
16   **SECTION 4.** Section 22 of S.L. 1998-55 reads as rewritten:
17   "Section 22. Section 10 of this act is effective for taxes imposed for taxable years
18 beginning on or after July 1, 2001. Section 11 of this act becomes effective January 1,
19 1999, and expires ~~January 1, 2004.~~ July 1, 2007. The remainder of Part III of this act
20 becomes effective January 1, 2001, and applies to sales made on or after that date."
21   **SECTION 5.** Section 2 of this act becomes effective January 1, 2002, and
22 applies to applications filed on or after that date. The remainder of this act is effective
23 for taxable years beginning on or after January 1, 2001.