

JDIG COMPARISON:

	<u>House Bill: H117</u>	<u>Senate Bill: S338/526¹</u>
Modification of annual JDIG cap	One-time modification – collapse 2013-15 fiscal biennium and 7/1/15 to 12/31/15 into single period; increase cap from \$30M to \$45M for that period	Persistent modification – increase \$15M cap to \$30M in years when a high-yield project ² (HYP) is awarded a grant
Cap availability periods	Calendar year	Calendar quarter (unused portion rolls forward until end of calendar year)
JDIG extension	1/1/20	1/1/18
Rebranding	Yes – Job Growth Reimbursement Opportunities – People Program	No
Modification to pre-requisite findings	Yes – EIC must find for tier 3 projects that the affected local governments have offered appropriate incentives	No
Modification to minimum job creation requirement	Yes – increase tier 3 job creation minimum from 20 to 50 created eligible positions	Yes – increase tier 1 from 10 to 25, tier 2 from 20 to 50, tier 3 from 20 to 200, and major market community ³ (MMC) from 20 to 250.
Utility Account diversion change	Yes – increase diversion to UA from tier 3 areas from 25% to 30%	Yes – for HYP, diversion is eliminated during augmented award periods
Clawback modifications	Yes – convert discretionary recapture provision to mandatory recapture provision if business fails to maintain operations for 150% of grant term	No
Employment level maintenance comparison modification	Yes – changes the baseline from the year immediately preceding base period to the greater of employment at date of application or award	No
Create wage standard	No	Yes – business must pay a percentage of average weekly wage for all insured private employers in the county equal to 100% for tier 1, 110% for tier 2, 115% for tier 3, and 125% for MMC.
Term modification	No	Yes – for HYP, limit is increased by 8 years during augmented award periods
JDIG withholding calculation modification	No	Yes – change from flat 75% to 80% for tier 1, 70% for tier 2, 60% for tier 3, 50% for MMC, and 100% for HYP during augmented award periods

¹ For purposes of JDIG modifications, SB 338 and SB 526 are identical.

² A high-yield project is one in which the business will invest at least \$1B in private funds and create at least 2,500 new jobs.

³ A major market community is a county in which the average weekly wage for all insured private employers in the county is one of the three highest in the State. Currently, the 3 major market communities are Wake, Mecklenburg, and Durham Counties.

**Comparison of Tax Law Changes:
HB 117, SB 338, and SB 526**

	House Bill 117	Senate Bill 338	Senate Bill 526
Sales Tax Changes			
Extend Sales Tax Refund for Passenger Air Carriers	Extends the sunset four years, to January 1, 2020	N/A	N/A
Sales Tax Exemption for Datacenters	Creates an additional sales tax exemption, similar but broader in scope of equipment covered by existing exemption	N/A	N/A
Apportionment Formula for Corporate Income and Franchise Tax			
Single Sales Factor	Expands who qualifies as a qualified capital intensive corporation	Adopts SSF for 2016 taxable year and thereafter	Phases-in SSF: 4X sales in 2016 SSF in 2017
Market Based Sourcing of Services	N/A	N/A	Adopts market based sourcing
Corporate Income Tax			
Tax Rate	N/A	Reduces rate to 3% over two years	Reduces rate to 4% over two years
Tax Base	N/A	N/A	Eliminates various deductions
Franchise Tax			
Tax Rate	N/A	N/A	Reduces rate to \$1.35/\$1,000 Increases minimum tax to \$200 Increases maximum tax on a holding company to \$150,000
Tax Base	N/A	N/A	Simplifies net worth tax base
Individual Income Tax			
Tax Rate	N/A	N/A	Reduces rate to 5.5% over two years Creates a zero tax bracket in lieu of the standard deduction