

Income/Franchise:

North Carolina: Enacted Budget Bill Includes Provisions Modifying Calculation of Corporate Franchise Tax

H.B. 259, enacted into law without governor's signature 10/3/23. Recently enacted budget legislation contains provisions that:

URL: <https://www.ncleg.gov/BillLookUp/2023/H259>

1. Modify North Carolina's franchise tax rules for C corporations for taxable years beginning in 2025 (which would apply to calculating the state franchise tax reported on state corporate income tax returns from 2024 and thereafter),
2. Expand eligibility for making North Carolina's pass-through entity tax (PTE tax) election to partnerships with partners that include an entity classified as a corporation for federal income tax purposes, and
3. Extend the deadline for making North Carolina's PTE tax election for the 2022 tax year by allowing a qualifying entity to make the election by filing an amended return by October 15, 2023.

Regarding the state franchise tax law changes, rather than calculate the tax at a rate of \$1.50 for every \$1,000 of their tax bases, corporations generally must pay \$500 on the first \$1 million of their tax bases, plus another \$1.50 for every additional \$1,000 of their tax bases. Please contact us with any questions.

— Art Tilley (Charlotte)
Managing Director
Deloitte Tax LLP
atilley@deloitte.com

Joe Garrett (Birmingham)
Managing Director
Deloitte Tax LLP
jogarrett@deloitte.com

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