

HOUSE No. 2857**The Commonwealth of Massachusetts**

PRESENTED BY:

Claire D. Cronin*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a tax credit for employment of national guard members.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>	<i>2/1/2021</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>3/2/2021</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/2/2021</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/9/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>3/9/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>3/9/2021</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>	<i>3/9/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>4/12/2021</i>

HOUSE No. 2857

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 2857) of Claire D. Cronin and others relative to establishing a tax credit for employment of national guard members. Revenue.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2428 OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act establishing a tax credit for employment of national guard members.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 6 of chapter 62 of the General Laws is hereby amended by adding
2 the following subsection:-

3 (v)(1) A partnership, limited liability corporation or other legal entity engaged in
4 business in the commonwealth that is not a business corporation subject to the excise under
5 chapter 63 and employs not more than 100 employees shall be allowed a credit equal to \$2,000
6 for each member of the Massachusetts national guard hired by the partnership, limited liability
7 corporation or other legal entity. A business that is eligible for and claims the credit allowed
8 under this subsection in a taxable year shall be eligible for a second credit of \$2,000 in the
9 subsequent taxable year with respect to such member of the Massachusetts national guard,
10 subject to certification of continued employment during the subsequent taxable year.

(2) To be eligible for a credit under this subsection: (i) the primary place of employment and the primary residence of the member of the Massachusetts national guard shall be in the commonwealth and (ii) not later than the day an individual begins work, a business shall have obtained the applicable certification from the office of the adjutant general that the individual is a member of the Massachusetts national guard.

(3) The credit under this subsection shall be attributed on a pro rata basis to the owners, partners or members of the legal entity entitled to the credit under this subsection and shall be allowed as a credit against the tax due under this chapter from such owners, partners or members in a manner determined by the commissioner.

(4) A credit allowed under this subsection shall not be transferable or refundable. Any amount of the credit allowed under this subsection that exceeds the tax due for a taxable year may be carried forward to any of the 3 subsequent taxable years.

(5) The total cumulative value of the credits authorized pursuant to this subsection and section 38II of chapter 63 shall not exceed \$1,000,000 annually.

SECTION 2. Chapter 63 of the General Laws, is hereby amended by inserting after section 38HH the following section:-

Section 38II. (a) A business corporation with not more than 100 employees shall be allowed a credit against its excise due under this chapter in an amount equal to \$2,000 for each member of the Massachusetts national guard hired by the business corporation. A business corporation that is eligible for and claims the credit allowed under this section in a taxable year with respect to member of the Massachusetts national guard shall be eligible for a second credit of \$2,000 in the subsequent taxable year with respect to such member of the Massachusetts

national guard, subject to certification of continued employment during the subsequent taxable year.

(b) To be eligible for a credit under this section: (i) the primary place of employment and the primary residence of the member of the Massachusetts national guard shall be in the commonwealth and (ii) not later than the day an individual begins work, a business shall have obtained the applicable certification from the office of the adjutant general that the individual is a member of the Massachusetts national guard.

(c) In the case of a business corporation that is subject to a minimum excise under this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than such minimum excise.

(d) A credit allowed under this section shall not be transferable or refundable. Any amount of the credit allowed under this section that exceeds the tax due for a taxable year may be carried forward to any of the 3 subsequent taxable years.

(e) The total cumulative value of the credits authorized pursuant to this section and subsection (v) of section 6 of chapter 62 shall not exceed \$1,000,000 annually.