

6024--B

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. GRISANTI, ALESI, BALL, DeFRANCISCO, GOLDEN, JOHNSON, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a returning veterans tax credit for businesses that hire veterans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 210 of the tax law is amended by adding a new
2 subdivision 45 to read as follows:
3 45. RETURNING VETERANS TAX CREDIT. (A) GENERAL. A TAXPAYER SHALL BE
4 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION,
5 AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR WOUNDED
6 VETERAN HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH:
7 (I) VETERAN IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND
8 REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.
9 (II) WOUNDED VETERAN IS EMPLOYED FOR SEVENTEEN AND ONE-HALF HOURS OR
10 MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE
11 MONTHS OR MORE.
12 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
13 THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER
14 HIRED WOUNDED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS.
15 (C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE
16 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
17 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING
18 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED
19 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.
20 (D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE FOLLOWING TERMS
21 SHALL HAVE THE FOLLOWING MEANINGS:

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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(I) "VETERAN" SHALL MEAN A VETERAN, AS DEFINED IN SECTION ONE HUNDRED ONE OF TITLE THIRTY-EIGHT OF THE UNITED STATES CODE, WHO SERVED EITHER DURING A PERIOD OF WAR OR IN AN AREA DESIGNATED BY THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A "COMBAT ZONE" AT ANY TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT BY EXECUTIVE ORDER AS THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE.

(II) "WOUNDED VETERAN" SHALL MEAN A VETERAN, AS DEFINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, WHO SUSTAINED A SERVICE-CONNECTED DISABILITY AS CERTIFIED BY THE FEDERAL VETERAN'S ADMINISTRATION OR THE UNITED STATES DEPARTMENT OF DEFENSE. FOR PURPOSES OF THIS SUBDIVISION, THE TERM SERVICE-CONNECTED SHALL HAVE THE SAME MEANING AS IN SECTION ONE HUNDRED ONE OF THE UNITED STATES CODE.

S 2. Subparagraph (B) of paragraph 1 of subsection (i) of section 606 of the tax law is amended by adding a new clause (xxxiv) to read as follows:

| | |
|-------------------------------|-------------------------|
| (XXXIV) RETURNING VETERAN TAX | COSTS UNDER SUBDIVISION |
| CREDIT; SUBSECTION (UU) | FORTY-FIVE OF SECTION |
| | TWO HUNDRED TEN |

S 3. Section 606 of the tax law is amended by adding a new subsection (uu) to read as follows:

(UU) RETURNING VETERANS TAX CREDIT. (1) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR WOUNDED VETERAN HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH:

(I) VETERAN IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(II) WOUNDED VETERAN IS EMPLOYED FOR SEVENTEEN AND ONE-HALF HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER HIRED WOUNDED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS.

(3) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBSECTION MAY BE CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBSECTION MAY NOT BE USED TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

(4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(I) "VETERAN" SHALL MEAN A VETERAN, AS DEFINED IN SECTION ONE HUNDRED ONE OF TITLE THIRTY-EIGHT OF THE UNITED STATES CODE, WHO SERVED EITHER DURING A PERIOD OF WAR OR IN AN AREA DESIGNATED BY THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A "COMBAT ZONE" AT ANY TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT BY EXECUTIVE ORDER AS THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE.

(II) "WOUNDED VETERAN" SHALL MEAN A VETERAN, AS DEFINED PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, WHO SUSTAINED A SERVICE-CONNECTED DISABILITY AS CERTIFIED BY THE FEDERAL VETERAN'S ADMINISTRATION OR THE UNITED STATES DEPARTMENT OF DEFENSE. FOR PURPOSES OF THIS SUBSECTION, THE TERM SERVICE-CONNECTED SHALL HAVE THE SAME MEANING AS IN SECTION ONE HUNDRED ONE OF THE UNITED STATES CODE.

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2012.