

7439--A

I N   S E N A T E

May 16, 2012

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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing business franchise and personal income tax credits for employers which employ combat 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. CREDIT FOR EMPLOYMENT OF COMBAT VETERANS. (A) ALLOWANCE OF CREDIT.  
4     A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS  
5     SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR EMPLOYING  
6     WITHIN THE STATE A COMBAT VETERAN.  
7     (B) COMBAT VETERAN. A COMBAT VETERAN IS A PERSON WHO SERVED IN THE  
8     ARMED SERVICES OF THE UNITED STATES WITHIN TWO YEARS OF COMMENCING  
9     EMPLOYMENT BY THE TAXPAYER, WHO SERVED IN A COMBAT ZONE AS DESIGNATED BY  
10    THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER, AND WHO HAS BEEN  
11    HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM SUCH  
12    SERVICE OR FURLOUGHED TO THE RESERVE.  
13    (C) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE SIX THOUSAND  
14    DOLLARS FOR EACH COMBAT VETERAN EMPLOYED BY THE TAXPAYER DURING THE  
15    TAXABLE YEAR ON A FULL-TIME BASIS OF THIRTY-FIVE HOURS OR MORE OF WORK  
16    PER WEEK. THE CREDIT PROVIDED BY THE SUBDIVISION MAY ONLY BE CLAIMED,  
17    WITH REGARD TO ANY COMBAT VETERAN, DURING THE FIRST TWO TAX YEARS OF  
18    SUCH VETERANS' EMPLOYMENT BY THE TAXPAYER.  
19    (D) CARRYOVER. THE CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION FOR ANY  
20    TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE  
21    AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION.  
22    HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR  
23    ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT  
24    NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING

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

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1 YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR  
2 OR YEARS.

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

6 (XXXIV) CREDIT FOR EMPLOYMENT	AMOUNT OF CREDIT FOR
7 OF COMBAT VETERANS UNDER	EMPLOYMENT OF COMBAT
8 SUBSECTION (UU)	VETERANS UNDER SUBDIVISION
9	FORTY-FIVE OF SECTION
10	TWO HUNDRED TEN

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

13 (UU) CREDIT FOR EMPLOYMENT OF COMBAT VETERANS. (1) ALLOWANCE OF CRED-  
14 IT. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN  
15 THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE, FOR EMPLOYING  
16 WITHIN THE STATE A COMBAT VETERAN.

17 (2) COMBAT VETERAN. A COMBAT VETERAN IS A PERSON WHO SERVED IN THE  
18 ARMED SERVICES OF THE UNITED STATES WITHIN TWO YEARS OF COMMENCING  
19 EMPLOYMENT BY THE TAXPAYER, WHO SERVED IN A COMBAT ZONE AS DESIGNATED BY  
20 THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER, AND WHO HAS BEEN  
21 HONORABLY DISCHARGED OR RELEASED UNDER HONORABLE CIRCUMSTANCES FROM SUCH  
22 SERVICE OR FURLOUGHED TO THE RESERVE.

23 (3) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE SIX THOUSAND  
24 DOLLARS FOR EACH COMBAT VETERAN EMPLOYED BY THE TAXPAYER DURING THE  
25 TAXABLE YEAR ON A FULL-TIME BASIS OF THIRTY-FIVE HOURS OR MORE OF WORK  
26 PER WEEK. THE CREDIT PROVIDED BY THIS SUBSECTION MAY ONLY BE CLAIMED,  
27 WITH REGARD TO ANY COMBAT VETERAN, DURING THE FIRST TWO TAXABLE YEARS OF  
28 SUCH VETERAN'S EMPLOYMENT BY THE TAXPAYER.

29 (4) CARRYOVER. THE CREDIT ALLOWED PURSUANT TO THIS SUBSECTION FOR ANY  
30 TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE  
31 AMOUNT PRESCRIBED IN PARAGRAPH FIVE OF SUBSECTION (O) OF THIS SECTION.  
32 HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY  
33 TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT  
34 DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING  
35 YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR  
36 OR YEARS.

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