

7439--B

I N   S E N A T E

May 16, 2012

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Introduced by Sens. BALL, HASSELL-THOMPSON -- 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 -- 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 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 THIS SUBDIVISION MAY ONLY BE CLAIMED,  
17    WITH REGARD TO ANY COMBAT VETERAN, IF SUCH VETERAN HAS BEEN EMPLOYED BY  
18    THE TAXPAYER ON A FULL-TIME BASIS FOR AT LEAST TWENTY-FIVE CONSECUTIVE  
19    WEEKS. PROVIDED THAT THE TAXPAYER MAY ONLY CLAIM CREDIT FOR A COMBAT  
20    VETERAN FOR THE TAXABLE YEAR IN WHICH SUCH VETERAN COMPLETED THE EMPLOY-  
21    MENT DURATION REQUIREMENT OF THIS PARAGRAPH AND THE IMMEDIATELY

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

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1 SUCCEEDING TAXABLE YEAR IF SUCH VETERAN HAS BEEN CONTINUOUSLY EMPLOYED  
2 BY THE TAXPAYER FOR AT LEAST ONE YEAR.

3 (D) CARRYOVER. THE CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION FOR ANY  
4 TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE  
5 AMOUNT PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS  
6 SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVI-  
7 SION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF  
8 CREDIT NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE  
9 FOLLOWING YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR  
10 SUCH YEAR OR YEARS.

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

14 (XXXIV) CREDIT FOR EMPLOYMENT	AMOUNT OF CREDIT FOR
15 OF COMBAT VETERANS UNDER	EMPLOYMENT OF COMBAT
16 SUBSECTION (UU)	VETERANS UNDER SUBDIVISION
	FORTY-FIVE OF SECTION
	TWO HUNDRED TEN

17  
18  
19 S 3. Section 606 of the tax law is amended by adding a new subsection  
20 (uu) to read as follows:

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

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

31 (3) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE SIX THOUSAND  
32 DOLLARS FOR EACH COMBAT VETERAN EMPLOYED BY THE TAXPAYER DURING THE  
33 TAXABLE YEAR ON A FULL-TIME BASIS OF THIRTY-FIVE HOURS OR MORE OF WORK  
34 PER WEEK. THE CREDIT PROVIDED BY THIS SUBSECTION MAY ONLY BE CLAIMED,  
35 WITH REGARD TO ANY COMBAT VETERAN, IF SUCH VETERAN HAS BEEN EMPLOYED BY  
36 THE TAXPAYER ON A FULL-TIME BASIS FOR AT LEAST TWENTY-FIVE CONSECUTIVE  
37 WEEKS. PROVIDED THAT THE TAXPAYER MAY ONLY CLAIM CREDIT FOR A COMBAT  
38 VETERAN FOR THE TAXABLE YEAR IN WHICH SUCH VETERAN COMPLETED THE EMPLOY-  
39 MENT DURATION REQUIREMENT OF THIS PARAGRAPH AND THE IMMEDIATELY SUCCEED-  
40 ING TAXABLE YEAR IF SUCH VETERAN HAS BEEN CONTINUOUSLY EMPLOYED BY THE  
41 TAXPAYER FOR AT LEAST ONE YEAR.

42 (4) CARRYOVER. IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS  
43 SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH  
44 YEAR, THE EXCESS MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, AND  
45 MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR OR YEARS.

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