

3739

2013-2014 Regular Sessions

I N S E N A T E

February 13, 2013

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the tax law, in relation to establishing a small business tax credit for the employment of unemployed college graduates

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 46 to read as follows:
3 46. SMALL BUSINESS TAX CREDIT; UNEMPLOYED COLLEGE GRADUATES. (A)
4 GENERAL. A TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE
5 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION,
6 AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH UNEMPLOYED COLLEGE
7 GRADUATE HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH UNEMPLOYED
8 COLLEGE GRADUATE IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND
9 REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.
10 (B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
11 FIVE THOUSAND DOLLARS PER HIRED UNEMPLOYED COLLEGE GRADUATE BUT SHALL
12 NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.
13 (C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE
14 CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT
15 IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE FIVE SUCCEEDING
16 TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED
17 TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.
18 (D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE TERM "COLLEGE" SHALL
19 MEAN A PUBLIC OR INDEPENDENT COLLEGE; THE TERM "PUBLIC COLLEGE" SHALL
20 MEAN EACH COMPONENT OF THE STATE UNIVERSITY, AS DEFINED IN SUBDIVISION
21 THREE OF SECTION THREE HUNDRED FIFTY-TWO OF THE EDUCATION LAW AND IN
22 SUBDIVISION TWO OF SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW
23 AND EACH COMMUNITY COLLEGE AND SENIOR COLLEGE OF THE CITY UNIVERSITY OF
24 NEW YORK, AS DEFINED IN SUBDIVISIONS FOUR AND FIVE OF SECTION SIXTY-TWO

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

LBD08266-01-3

1 HUNDRED TWO OF THE EDUCATION LAW; AND THE TERM "INDEPENDENT COLLEGE"
2 SHALL MEAN EACH INDEPENDENT NOT-FOR-PROFIT INSTITUTION OF HIGHER EDUCA-
3 TION, AS DEFINED IN SUBDIVISION TWO OF SECTION SIXTY-FOUR HUNDRED ONE OF
4 THE EDUCATION LAW.

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

8 (XXXV) SMALL BUSINESS TAX CREDIT; COSTS UNDER SUBDIVISION
9 UNEMPLOYED COLLEGE GRADUATES FORTY-SIX OF SECTION
10 UNDER SUBSECTION (VV) TWO HUNDRED TEN

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

13 (VV) SMALL BUSINESS TAX CREDIT; UNEMPLOYED COLLEGE GRADUATES. (1)
14 GENERAL. A TAXPAYER WHO HAS ONE HUNDRED EMPLOYEES OR LESS, SHALL BE
15 ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST
16 THE TAX IMPOSED BY THIS ARTICLE FOR EACH UNEMPLOYED COLLEGE GRADUATE
17 HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH UNEMPLOYED COLLEGE GRAD-
18 UATE IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN
19 THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

20 (2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL
21 FIVE THOUSAND DOLLARS PER HIRED UNEMPLOYED COLLEGE GRADUATE BUT SHALL
22 NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

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

28 (4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE TERM "COLLEGE" SHALL
29 MEAN A PUBLIC OR INDEPENDENT COLLEGE; THE TERM "PUBLIC COLLEGE" SHALL
30 MEAN EACH COMPONENT OF THE STATE UNIVERSITY, AS DEFINED IN SUBDIVISION
31 THREE OF SECTION THREE HUNDRED FIFTY-TWO OF THE EDUCATION LAW AND IN
32 SUBDIVISION TWO OF SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW
33 AND EACH COMMUNITY COLLEGE AND SENIOR COLLEGE OF THE CITY UNIVERSITY OF
34 NEW YORK, AS DEFINED IN SUBDIVISIONS FOUR AND FIVE OF SECTION SIXTY-TWO
35 HUNDRED TWO OF THE EDUCATION LAW; AND THE TERM "INDEPENDENT COLLEGE"
36 SHALL MEAN EACH INDEPENDENT NOT-FOR-PROFIT INSTITUTION OF HIGHER EDUCA-
37 TION, AS DEFINED IN SUBDIVISION TWO OF SECTION SIXTY-FOUR HUNDRED ONE OF
38 THE EDUCATION LAW.

39 S 4. This act shall take effect immediately and shall apply to taxable
40 years beginning on or after January 1, 2014.