

6796

I N S E N A T E

March 11, 2014

Introduced by Sen. FARLEY -- 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 creating a wage tax credit for employers who employ New York national guard men and women and reservists

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 48 to read as follows:
3 48. EMPLOYMENT OF NEW YORK NATIONAL GUARD AND RESERVE MEMBERS WAGE
4 TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CRED-
5 IT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION,
6 AGAINST THE TAX IMPOSED BY THIS ARTICLE, IF IT EMPLOYS MEMBERS OF THE
7 NEW YORK NATIONAL GUARD AND RESERVES. PROVIDED, HOWEVER, SUCH TAXPAYER
8 SHALL COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT
9 RIGHTS ACT, AS FOUND IN SECTION 4301 ET SEQ. OF TITLE 18 OF THE UNITED
10 STATES CODE.
11 (B) AMOUNT OF CREDIT. THE CREDIT ALLOWED PURSUANT TO PARAGRAPH (A) OF
12 THIS SUBDIVISION SHALL BE IN AN AMOUNT EQUAL TO FIFTEEN HUNDRED DOLLARS
13 FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER AND
14 TWENTY-FIVE HUNDRED DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER
15 EMPLOYED BY SUCH EMPLOYER WHO HAS COMPLETED OR RETURNED FROM A DEPLOY-
16 MENT OR ACTIVATION. PROVIDED, HOWEVER, THAT NO SUCH CREDIT ALLOWED UNDER
17 THIS SUBDIVISION SHALL EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH
18 NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER.
19 (C) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION
20 FOR ANY TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS
21 THAN THE HIGHER OF THE AMOUNT PRESCRIBED IN PARAGRAPHS (C) AND (D) OF
22 SUBDIVISION ONE OF THIS SECTION. IF, HOWEVER, THE AMOUNT OF CREDITS
23 ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO
24 SUCH AMOUNT, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE
25 YEAR SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR
26 REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE THOUSAND

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

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1 EIGHTY-SIX OF THIS CHAPTER. PROVIDED, HOWEVER, THE PROVISIONS OF
2 SUBSECTION (C) OF SECTION ONE THOUSAND EIGHTY-EIGHT OF THIS CHAPTER
3 NOTWITHSTANDING, NO INTEREST SHALL BE PAID THEREON.

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

7 (XXXVII) EMPLOYMENT OF NEW	AMOUNT OF CREDIT
8 YORK NATIONAL GUARD AND	UNDER SUBDIVISION
9 RESERVE MEMBERS CREDIT	FORTY-EIGHT OF SECTION
10 UNDER SUBSECTION (XX)	TWO HUNDRED TEN

11 S 3. Subsections (yy) and (zz) of section 606 of the tax law, as
12 relettered by section 5 of part H of chapter 1 of the laws of 2003, are
13 relettered subsections (yyy) and (zzz), and a new subsection (xx) is
14 added to read as follows:

15 (XX) EMPLOYMENT OF NEW YORK NATIONAL GUARD AND RESERVE MEMBERS WAGE
16 TAX CREDIT. (1) ALLOWANCE OF CREDIT. A TAXPAYER SHALL BE ALLOWED A CRED-
17 IT, TO BE COMPUTED AS PROVIDED IN PARAGRAPH TWO OF THIS SUBSECTION,
18 AGAINST THE TAX IMPOSED BY THIS ARTICLE IF THEY EMPLOY MEMBERS OF THE
19 NEW YORK NATIONAL GUARD AND RESERVE. PROVIDED, HOWEVER, THEY SHALL
20 COMPLY WITH THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS
21 ACT, AS FOUND IN SECTION 4301 ET SEQ. OF TITLE 18 OF THE UNITED STATES
22 CODE.

23 (2) AMOUNT OF CREDIT. THE CREDIT ALLOWED PURSUANT TO PARAGRAPH ONE OF
24 THIS SUBSECTION SHALL BE IN AN AMOUNT EQUAL TO ONE THOUSAND FIVE HUNDRED
25 DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY SUCH
26 EMPLOYER AND TWO THOUSAND FIVE HUNDRED DOLLARS FOR EACH NATIONAL GUARD
27 OR RESERVE MEMBER EMPLOYED BY SUCH EMPLOYER WHO HAS COMPLETED OR
28 RETURNED FROM A DEPLOYMENT OR ACTIVATION. PROVIDED, HOWEVER, THAT NO
29 SUCH CREDIT ALLOWED UNDER THIS SUBSECTION SHALL EXCEED TWO THOUSAND FIVE
30 HUNDRED DOLLARS FOR EACH NATIONAL GUARD OR RESERVE MEMBER EMPLOYED BY
31 SUCH EMPLOYER.

32 (3) APPLICATION OF CREDIT. IF THE AMOUNT OF THE CREDIT ALLOWED UNDER
33 THIS SUBSECTION FOR ANY TAXABLE YEAR SHALL EXCEED THE TAXPAYER'S TAX FOR
34 SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE
35 CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX
36 HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST
37 SHALL BE PAID THEREON.

38 S 4. This act shall take effect immediately and apply to taxable years
39 beginning on and after January 1, 2016.