S T A T E O F N E W Y O R K

4890

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to establishing corporate franchise tax credit for certain businesses offering employees staggered operating hours

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares that traffic congestion in commercial districts contributes to numerous related problems such as excess fuel consumption, added wear and tear on roadways, necessity for increased traffic control, higher incidence of auto accidents and dangers for pedestrians. Staggered operating hours for business employees could reduce the problems of traffic congestion by spreading out the hours within which workers are commuting and business is conducted. As an incentive to businesses located in traffic congested areas to institute policies of staggered operating hours, the legislature deems it appropriate to establish a corporate franchise tax credit of $1000.00 per employee participating in an employer sponsored program of staggered operating hours.

S 2. Section 210 of the tax law is amended by adding a new subdivision 14 to read as follows:

14. STAGGERED OPERATING HOURS CREDIT.(A) A TAXPAYER SHALL BE ALLOWED A CREDIT AGAINST THE TAX IMPOSED BY THIS ARTICLE IN THE AMOUNT OF ONE THOUSAND DOLLARS PER FULL TIME EMPLOYEE WHO PARTICIPATES IN AN EMPLOYER SPONSORED PROGRAM OF STAGGERED OPERATING HOURS; PROVIDED SUCH EMPLOYER IS LOCATED WITHIN A GEOGRAPHICAL AREA IN WHICH RUSH HOUR OR BUSINESS HOUR TRAFFIC CONGESTION IS A SIGNIFICANT PROBLEM.

(B) FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STAGGERED OPERATING HOURS" SHALL BE DEEMED TO INCLUDE DEVIATIONS FROM A STANDARD NINE A.M. TO FIVE P.M. WORK DAY OF NO LESS THAN TWO HOURS AT EITHER END OF SUCH

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

LBD08049-01-9

WORK DAY, PROVIDED SUCH EXTENDED HOURS CONFORM TO ANY LOCAL ORDINANCE REGULATING BUSINESS HOURS OF OPERATION.

S 3. The commissioner of taxation and finance is authorized and directed to promulgate any rules and regulations necessary to implement the provisions of this act.

S 4. This act shall take effect immediately; provided that sections two and three of this act shall apply to taxable years commencing on or after January first of the year in which it shall have become a law.