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

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I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. THIELE, SWEENEY, ABINANTI, ENGLEBRIGHT, LATIMER, JAFFEE, HEVESI, COLTON, GUNTHER, MAGNARELLI, GIBSON, LUPARDO, N. RIVERA, ROBERTS, GALEF, BURLING, McLAUGHLIN, TENNEY, RAMOS, CASTRO, ROBINSON, SCHIMEL, WEPRIN, HOOPER, SCHIMMINGER -- Multi-Sponsored by -- M. of A. CALHOUN, CASTELLI, CERETTO, CONTE, CRESPO, CROUCH, DUPREY, FINCH, GRAF, JOHNS, KATZ, P. LOPEZ, LOSQUADRO, MARKEY, J. MILLER, MONTESANO, MURRAY, NOLAN, PALMESANO, RA, SAYWARD, TITONE, WEISENBERG -- read once and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the tax law, in relation to establishing a returning veterans tax credit for businesses that hire veterans

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

Section 1. Section 210 of the tax law is amended by adding a new subdivision 45 to read as follows:

45. RETURNING VETERANS TAX CREDIT. (A) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBDIVISION, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR WOUNDED VETERAN HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH:

(I) VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(II) WOUNDED VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR SEVENTEEN AND ONE-HALF HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(B) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER

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

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HIRED WOUNDED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS ANNUALLY.

(C) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBDIVISION MAY BE CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE TEN SUCCEEDING TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBDIVISION MAY NOT BE USED TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

(D) DEFINITIONS. AS USED IN THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(I) "NEW EMPLOYEE" SHALL MEAN ANY FULL TIME EMPLOYEE THAT CAUSES THE TOTAL NUMBER OF EMPLOYEES TO INCREASE ABOVE BASE EMPLOYMENT OR CREDIT EMPLOYMENT, WHICHEVER IS HIGHER.

(II) "BASE YEAR" SHALL MEAN CALENDAR YEAR TWO THOUSAND ELEVEN.

(III) "BASE EMPLOYMENT" SHALL MEAN THE AVERAGE NUMBER OF FULL TIME EMPLOYEES OR FULL TIME EQUIVALENT EMPLOYEES DURING THE BASE YEAR. FOR A NEW BUSINESS, BASE EMPLOYMENT SHALL BEGIN AT ZERO.

(IV) "CREDIT EMPLOYMENT" SHALL MEAN BASE EMPLOYMENT PLUS THE NUMBER OF NEW EMPLOYEES FOR WHICH A CREDIT IS EARNED FOR THE PRIOR TAX YEARS.

(V) "VETERAN" SHALL MEAN A VETERAN, AS DEFINED IN SECTION ONE HUNDRED ONE OF TITLE THIRTY-EIGHT OF THE UNITED STATES CODE, WHO SERVED EITHER DURING A PERIOD OF WAR OR IN AN AREA DESIGNATED BY THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A "COMBAT ZONE" AT ANY TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT BY EXECUTIVE ORDER AS THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE.

(VI) "WOUNDED VETERAN" SHALL MEAN A VETERAN, AS DEFINED PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, WHO SUSTAINED A SERVICE-CONNECTED DISABILITY AS CERTIFIED BY THE FEDERAL VETERAN'S ADMINISTRATION OR THE UNITED STATES DEPARTMENT OF DEFENSE. FOR PURPOSES OF THIS SUBDIVISION, THE TERM SERVICE-CONNECTED SHALL HAVE THE SAME MEANING AS IN SECTION ONE HUNDRED ONE OF THE UNITED STATES CODE.

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

(XXXIV) RETURNING VETERAN TAX CREDIT; SUBSECTION (UU)	COSTS UNDER SUBDIVISION FORTY-FIVE OF SECTION TWO HUNDRED TEN

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

(UU) RETURNING VETERANS TAX CREDIT. (1) GENERAL. A TAXPAYER SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN THIS SUBSECTION, AGAINST THE TAX IMPOSED BY THIS ARTICLE FOR EACH VETERAN OR WOUNDED VETERAN HIRED DURING A TAXABLE YEAR, PROVIDED THAT SUCH:

(I) VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR THIRTY-FIVE HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(II) WOUNDED VETERAN IS A NEW EMPLOYEE AND IS EMPLOYED FOR SEVENTEEN AND ONE-HALF HOURS OR MORE PER WEEK AND REMAINS IN THE EMPLOY OF SUCH TAXPAYER FOR TWELVE MONTHS OR MORE.

(2) AMOUNT OF CREDIT. A CREDIT AUTHORIZED BY THIS SECTION SHALL EQUAL THREE THOUSAND DOLLARS PER HIRED VETERAN AND FOUR THOUSAND DOLLARS PER HIRED WOUNDED VETERAN BUT SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS ANNUALLY.

(3) CARRYOVERS. THE CREDIT ALLOWED UNDER THIS SUBSECTION MAY BE CLAIMED AND IF NOT FULLY USED IN THE INITIAL YEAR FOR WHICH THE CREDIT IS CLAIMED MAY BE CARRIED OVER, IN ORDER, TO EACH OF THE TEN SUCCEEDING

TAXABLE YEARS. THE CREDIT AUTHORIZED BY THIS SUBSECTION MAY NOT BE USED TO REDUCE THE TAX LIABILITY OF THE CREDIT CLAIMANT BELOW ZERO.

(4) DEFINITIONS. AS USED IN THIS SUBSECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(I) "NEW EMPLOYEE" SHALL MEAN ANY FULL TIME EMPLOYEE THAT CAUSES THE TOTAL NUMBER OF EMPLOYEES TO INCREASE ABOVE BASE EMPLOYMENT OR CREDIT EMPLOYMENT, WHICHEVER IS HIGHER.

(II) "BASE YEAR" SHALL MEAN CALENDAR YEAR TWO THOUSAND ELEVEN.

(III) "BASE EMPLOYMENT" SHALL MEAN THE AVERAGE NUMBER OF FULL TIME EMPLOYEES OR FULL TIME EQUIVALENT EMPLOYEES DURING THE BASE YEAR. FOR A NEW BUSINESS, BASE EMPLOYMENT SHALL BEGIN AT ZERO.

(IV) "CREDIT EMPLOYMENT" SHALL MEAN BASE EMPLOYMENT PLUS THE NUMBER OF NEW EMPLOYEES FOR WHICH A CREDIT IS EARNED FOR THE PRIOR TAX YEARS.

(V) "VETERAN" SHALL MEAN A VETERAN, AS DEFINED IN SECTION ONE HUNDRED ONE OF TITLE THIRTY-EIGHT OF THE UNITED STATES CODE, WHO SERVED EITHER DURING A PERIOD OF WAR OR IN AN AREA DESIGNATED BY THE PRESIDENT OF THE UNITED STATES BY EXECUTIVE ORDER AS A "COMBAT ZONE" AT ANY TIME DURING THE PERIOD DESIGNATED BY THE PRESIDENT BY EXECUTIVE ORDER AS THE PERIOD OF COMBATANT ACTIVITIES IN SUCH ZONE.

(VI) "WOUNDED VETERAN" SHALL MEAN A VETERAN, AS DEFINED PURSUANT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, WHO SUSTAINED A SERVICE-CONNECTED DISABILITY AS CERTIFIED BY THE FEDERAL VETERAN'S ADMINISTRATION OR THE UNITED STATES DEPARTMENT OF DEFENSE. FOR PURPOSES OF THIS SUBSECTION, THE TERM SERVICE-CONNECTED SHALL HAVE THE SAME MEANING AS IN SECTION ONE HUNDRED ONE OF THE UNITED STATES CODE.

S 4. This act shall take effect immediately and shall apply to taxable years beginning on or after January 1, 2012 and shall apply to those employees hired after this act shall take effect.