

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

7439--A

I N S E N A T E

May 16, 2012

Introduced by Sen. BALL -- 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

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 THE SUBDIVISION MAY ONLY BE CLAIMED,
17 WITH REGARD TO ANY COMBAT VETERAN, DURING THE FIRST TWO TAX YEARS OF
18 SUCH VETERANS' EMPLOYMENT BY THE TAXPAYER.
19 (D) CARRYOVER. THE CREDIT ALLOWED PURSUANT TO THIS SUBDIVISION FOR ANY
20 TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE
21 AMOUNT PRESCRIBED IN PARAGRAPH (D) OF SUBDIVISION ONE OF THIS SECTION.
22 HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBDIVISION FOR
23 ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT
24 NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING

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

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1 YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR
2 OR YEARS.

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

6 (XXXIV) CREDIT FOR EMPLOYMENT	AMOUNT OF CREDIT FOR
7 OF COMBAT VETERANS UNDER	EMPLOYMENT OF COMBAT
8 SUBSECTION (UU)	VETERANS UNDER SUBDIVISION
9	FORTY-FIVE OF SECTION
10	TWO HUNDRED TEN

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

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

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

23 (3) AMOUNT OF CREDIT. THE AMOUNT OF CREDIT SHALL BE SIX THOUSAND
24 DOLLARS FOR EACH COMBAT VETERAN EMPLOYED BY THE TAXPAYER DURING THE
25 TAXABLE YEAR ON A FULL-TIME BASIS OF THIRTY-FIVE HOURS OR MORE OF WORK
26 PER WEEK. THE CREDIT PROVIDED BY THIS SUBSECTION MAY ONLY BE CLAIMED,
27 WITH REGARD TO ANY COMBAT VETERAN, DURING THE FIRST TWO TAXABLE YEARS OF
28 SUCH VETERAN'S EMPLOYMENT BY THE TAXPAYER.

29 (4) CARRYOVER. THE CREDIT ALLOWED PURSUANT TO THIS SUBSECTION FOR ANY
30 TAXABLE YEAR SHALL NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE
31 AMOUNT PRESCRIBED IN PARAGRAPH FIVE OF SUBSECTION (O) OF THIS SECTION.
32 HOWEVER, IF THE AMOUNT OF CREDIT ALLOWABLE UNDER THIS SUBSECTION FOR ANY
33 TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY AMOUNT OF CREDIT NOT
34 DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING
35 YEAR OR YEARS, AND MAY BE DEDUCTED FROM THE TAXPAYER'S TAX FOR SUCH YEAR
36 OR YEARS.

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