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

7772

I N S E N A T E

June 18, 2012

Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the tax law, in relation to creating a telecommunication and cable industry New York jobs tax credit

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

Section 1. The tax law is amended by adding a new section 37 to read as follows:

S 37. TELECOMMUNICATION AND CABLE INDUSTRY NEW YORK JOBS TAX CREDIT. (A) ALLOWANCE OF CREDIT. AN ELIGIBLE TAXPAYER SHALL BE ALLOWED A CREDIT, OF TWENTY PERCENT OF THE QUALIFIED WAGES. THE TAXPAYER MAY CLAIM THIS CREDIT FOR EACH NEW EMPLOYEE FOR A PERIOD OF THREE CONSECUTIVE YEARS OF EMPLOYMENT.

(B) DEFINITIONS. (1) "ELIGIBLE TAXPAYER" MEANS EVERY TELECOMMUNICATION AND CABLE CORPORATION AND THEIR SUBSIDIARIES FURNISHING TRADITIONAL LANDLINE TELEPHONE SERVICE, FIBER OPTIC SERVICE, VOICE OVER INTERNET PROTOCOL (VOIP), DATA CIRCUITS, CABLE OR INTERNET SERVICES.

(2) "CALL CENTER ASSISTANCE JOB" SHALL MEAN THE CREATION OF OR RELOCATION OF NEW CALL CENTER SERVICE ASSISTANCE JOBS IN NEW YORK STATE INCLUDING, BUT NOT LIMITED TO OPERATOR SERVICES, DIRECTORY ASSISTANCE BUREAUS AND CALL COMPLETION SERVICES FOR THE FOLLOWING:

(A) DETERMINING CUSTOMER FINANCIAL RESPONSIBILITY;

(B) TAKING REQUESTS FOR NEW OR ADDITIONAL SERVICES, INCLUDING, BUT NOT LIMITED TO, EMERGENCY SERVICE, COMPLETING ASSISTANCE WITH DIALING, USING CALLING CARDS, CONNECTING COLLECT CALLS, BUSY LINE VERIFICATION OR RELAY CENTERS FOR THE HEARING IMPAIRED, PROVIDING REQUESTED LOCAL AND NATIONAL TELEPHONE NUMBERS, REVERSE NUMBER SEARCHES AND TAKING REQUESTS FOR AND COMPLETING THE PUBLISHING AND NON-PUBLISHING OF A TELEPHONE NUMBER, AND PROVIDING ASSISTANCE TO PAYPHONE CUSTOMERS;

(C) DETERMINING DEPOSIT REQUIRED OR BILLING RATE;

(D) PREPARING INSTALLATION AND REPAIR SERVICE ORDERS AND OBTAINING ACCESS TO SUBSCRIBER'S PREMISES;

(E) EXPLAINING COMPANY RATES, REGULATIONS, POLICIES, PROCEDURES, EQUIPMENT AND COMMON PRACTICES;

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

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(F) INVESTIGATING TROUBLE ORDER FORMS AND INITIATING HIGH BILL INVESTIGATIONS;

(G) HANDLING PAYMENT AND OTHER CREDIT ARRANGEMENTS SUCH AS OBTAINING DEPOSITS, FINANCIAL STATEMENTS AND PAYMENT PLANS; AND

(H) AIDING CUSTOMERS WITH INTERNAL ASSISTANCE PROGRAMS MEANS ANY COMPANY, FIRM OR BUSINESS ORGANIZATION THAT INVESTS APPLICATION OF CREDIT; PROVIDED THAT THE AMOUNT OF GROSS WAGES PAID BY THE TAXPAYER TO THE EMPLOYEES FOR WHOM CREDIT IS ALLOWABLE UNDER THIS SECTION.

(3) "QUALIFIED WAGES" SHALL MEAN GROSS WAGES PAID TO ANY NEW EMPLOYEE DURING THE TAXABLE YEAR WHICH MEETS THE DEFINITION OF A CALL CENTER ASSISTANCE JOB.

(4) "NEW EMPLOYEE" SHALL MEAN ANY FULL TIME EMPLOYEE THAT IS HIRED BY THE TAXPAYER AFTER JULY FIRST, TWO THOUSAND TWELVE THAT CAUSES THE TOTAL NUMBER OF EMPLOYEES TO INCREASE ABOVE BASE EMPLOYMENT OR CREDIT EMPLOYMENT, WHICHEVER IS HIGHER, WHO IS DOING THE SAME OR SUBSTANTIALLY SIMILAR WORK, AND AT THE PAY RATE AND BENEFIT LEVEL OF OTHER CALL CENTER SERVICE ASSISTANCE JOBS IN THE GEOGRAPHIC AREA WITHIN NEW YORK STATE, IN THE CORPORATION AND THEIR SUBSIDIARIES.

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

(6) "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.

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

(C) CROSS-REFERENCES. FOR APPLICATION OF THE CREDIT PROVIDED IN THIS SECTION, SEE THE FOLLOWING PROVISIONS OF THIS CHAPTER:

(1) ARTICLE 9: SECTION 187-S

(2) ARTICLE 9-A: SECTION 210: SUBDIVISION 45

S 2. Section 210 of the tax law is amended by adding a new subdivision 45 to read as follows:

45. TELECOMMUNICATION AND CABLE INDUSTRY NEW YORK JOBS TAX CREDIT. (A) ALLOWANCE OF CREDIT. A TAXPAYER WILL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-SEVEN OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY THIS ARTICLE.

(B) APPLICATION OF CREDIT. THE CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR MAY NOT REDUCE THE TAX DUE FOR SUCH YEAR TO LESS THAN THE HIGHER OF THE AMOUNTS PRESCRIBED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION. HOWEVER, IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBDIVISION FOR ANY TAXABLE YEAR REDUCES THE TAX TO SUCH AMOUNT, ANY EXCESS AMOUNT OF CREDIT THUS NOT DEDUCTIBLE IN SUCH TAXABLE YEAR MAY BE CARRIED OVER TO THE FOLLOWING YEAR OR YEARS, FOR A MAXIMUM OF TEN CONSECUTIVE YEARS.

S 3. The tax law is amended by adding a new section 187-s to read as follows:

S 187-S. TELECOMMUNICATION AND CABLE INDUSTRY NEW YORK JOBS TAX CREDIT. 1. ALLOWANCE OF CREDIT. A TAXPAYER, SUBJECT TO THE TAX IMPOSED BY THIS ARTICLE, WHICH IS A TELECOMMUNICATION OR CABLE COMPANY SHALL BE ALLOWED A CREDIT, TO BE COMPUTED AS PROVIDED IN SECTION THIRTY-SEVEN OF THIS CHAPTER, AGAINST THE TAX IMPOSED BY SECTION ONE HUNDRED EIGHTY-SIX-A OF THIS ARTICLE.

2. APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SECTION FOR ANY TAXABLE YEAR EXCEEDS THE TAXPAYER'S TAX FOR SUCH YEAR, ANY AMOUNT OF CREDIT THUS NOT DEDUCTIBLE MAY BE CARRIED FORWARD TO THE FOLLOWING YEAR OR YEARS, FOR A MAXIMUM OF TEN CONSECUTIVE YEARS.

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